

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

112th Legislative Day

3/30/2004

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to refrain from starting their laptop computers. We ask them to turn off their cell phones and their pagers and we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Dr. Robert Schulze of Faith Lutheran High School in Woodstock, Illinois. Dr. Schulze is the guest of Representative Jack Franks."

Dr. Schulze: "Before I do pray, I would just like to share one brief thought with you as a lifelong educator in Christian schools, just a quote maybe for you to think about and keep in mind. It happens to be from a gentleman by the name of Abraham Lincoln, he said, 'the philosophy of the classroom is the philosophy of the government in the next generation.' Would you fold your hands with mine, please. In the name of the Father and the Son and the Holy Spirit, Amen. Good and gracious Lord, there is so much to be thankful for as we come before Your throne of grace and prayer on this day. We thank and praise you for this nation in which we live. We ask Your blessings to be with those who lead us on a national level. We especially pray this day, good Lord, for the men and women who are serving in the armed forces of our nation, many of whom are far away from home and in very dangerous places. Good and gracious Lord, there is so much to be thankful for as we come before Your throne of grace and prayer on this day.

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

112th Legislative Day

3/30/2004

We thank You for the state and we ask for Your blessing upon the citizens of this great state. And Lord, we thank You for those in positions of leadership as we ask that You would bless them in the decisions they make. As Your son, Jesus Christ, came into this world, not to be served but to serve and to give his life as a ransom for many, so help our leaders and decision makers realize that they are here to serve the people. Give to each of us a spirit of humility and help us to be patient with one another. Good and gracious Lord, there is so much to be thankful for as we come before Your throne of grace and prayer on this day. As we approach holy week, we especially thank You for Your unfailing love and amazing grace which caused You to send Your son, Jesus Christ, into this world to be our Savior. We pray to You in His most precious name, Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

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

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

112th Legislative Day

3/30/2004

Speaker Madigan: "The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Representative McGuire, Chairperson from the Committee on Aging, which the following measure/s was/were referred, action taken on March 30, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to House Bill 5058. Referred to the House Rules Committee, House Resolution 771, offered by Representative Hassert. House Resolution 772, offered by Representative John Bradley. House Resolution 773, offered by Representative Coulson. House Joint Resolution 73, offered by Representative Turner."

Speaker Madigan: "On page 14 of the Calendar there appears House Bill 5070. Representative Berrios. Mr. Clerk, read the Bill. 5070."

Clerk Mahoney: "House Bill 5070, a Bill for an Act concerning financial regulation. Third Reading of this House Bill."

Speaker Madigan: "Representative Berrios."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5070 originated from the Department of Financial Institutions. It amends the Debt Management Services Act when defining debt management services to include indirect. The new definition would define 'debt management services' as a service to receive money from a debtor for the purpose of distributing it directly or indirectly to the debtor's credits (sic-creditors). This Bill does come from an original case where a debt

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

112th Legislative Day

3/30/2004

management company said their program was unregulated by the original Act and therefore it could charge any fee they chose to consumers. The proposed Bill amending the Act will provide a more inclusive definition of a debt management service. It will provide necessary protection to consumers intended with the original draft of the Act. I would urge an 'aye' vote."

Speaker Madigan: "Representative Mulligan. Mulligan."

Mulligan: "Thank you, Mr. Speaker. I was trying to see if I could find the answer without asking her. Representative, what is the fee for the management of the debt service?"

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

Mulligan: "Pardon me? It says a fee, but we wouldn't want someone who's up, ya know, in debt to be paying an exorbitant fee. So, is there some kind of a cap on what the fee can be, what they would charge for the service?"

Berrios: "Consumers could be charged fees in excess of what... \$30 initial fees and \$30 monthly fees per debtor for all debtor counseled, is what I have here."

Mulligan: "That would be the maximum fee?"

Berrios: "I'm... it might be."

Mulligan: "I'm sorry, was that a certain yes or..."

Berrios: "No, I... It might be."

Mulligan: "It might be?"

Berrios: "This is... that's what I have from DFI, but I wasn't given exact numbers. What this... what..."

Mulligan: "Representative, I think the idea sounds like a good idea if the object is to make sure that a debtor is not

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

112th Legislative Day

3/30/2004

charged an exorbitant amount of money to manage the debt. Because it would be ridiculous for someone that's having a problem to go to someone that could charge them an exorbitant amount of money."

Berrios: "Right, and what this Bill does is make sure that they can't be charged an excess amount of money by a certain company that says they're not regulated by the Act."

Mulligan: "It doesn't create a fee, is what my staff's telling me?"

Berrios: "No, it doesn't."

Mulligan: "It just allows them to do this and charge a fee?"

Berrios: "Well, right now they charge a fee. Certain companies that are in the Act, they charge a fee. But there's other companies, because they pay the debt off completely instead of monthly, they can charge consumers whatever price they want in excess of this fee."

Mulligan: "So, they charge an interest... they charge interest on the money, because they are paying it all up front?"

Berrios: "Right, and so this Bill would not allow them to do that, it gives them only what everyone else can charge."

Mulligan: "All right, so... I'm still not getting a feel for what the charge is gonna be and that was my concern. So, what you're doing is you're eliminating the ability of a company to pay off someone who's in debt, fees up front in an exorbitant amount of money, they can still pay the debt, but they have to do it on a reasonable rate over a period of time."

Berrios: "Right."

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

112th Legislative Day

3/30/2004

Mulligan: "All right. Thank you."

Speaker Madigan: "Mr. Franks."

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

Speaker Madigan: "Sponsor yields."

Franks: "Representative Berrios, is what you're trying to accomplish in this Bill to stop some unscrupulous practices by these people who are unregulated right now, who are working with trying to consolidate debt and then charging people a large fee for this service that had not been disclosed?"

Berrios: "Exactly."

Franks: "And there's... and what you'd basically be doing is saving consumers money, because there is no fee here, correct?"

Berrios: "Exactly."

Franks: "I just wanted to make sure what this Bill did."

Berrios: "Well, and that... it's already a fee, but this is not allowing people to charge extra fees."

Franks: "Right, you're trying to clarify the law and you're trying to bring people who are operating outside via a loophole, into compliance with everyone else, so they can't overcharge their customers."

Berrios: "Right."

Franks: "Thank you. I think it's a good Bill."

Berrios: "Thank you."

Speaker Madigan: "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?"

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

112th Legislative Day

3/30/2004

The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Watson."

Watson: "Thank you, Mr. Speaker. I move to table House Bill 6621."

Speaker Madigan: "The Gentleman moves to table House Bill 6621. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. On page 13 of the Calendar there appears House Bill 4790. Mr. Aguilar. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4790, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Aguilar."

Aguilar: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 4790 really just gives a judge the flexibility to extend a sentence for someone in... for individuals who already... who qualify for the death penalty or natural life. I ask for your support on House Bill 4790. Thank you."

Speaker Madigan: "The Gentleman moves for the 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? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 13 of the

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

112th Legislative Day

3/30/2004

Calendar there appears House Bill 5011. Mr. Brosnahan.
Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5011, a Bill for an Act in relation
to alcoholic liquor. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 5011 is the initiative of the Associated
Beer Distributors of Illinois. In 1992 the Liquor Control
Commission initiated legislation to designate a retail
license as either an on premises for consumption retailer,
or an off premises retailer. The commission stated they
wanted this changed so they could use the classifications
for internal purposes only. However, when the legislation
passed, the Bill inadvertently included the phrase 'classes
of licenses' rather than simply 'classes of retailers'.
It's always been the intent of the Liquor Control Act to
apply all of its provisions equally to each type of
licensee, whether it's a manufacturer, distributor or a
retailer. This prevents discrimination or preferential
treatment and promotes uniform enforcement of Liquor
Control Acts provisions. This is simply cleanup language.
I know of no opposition to this legislation. I'd be happy
to answer any questions."

Speaker Madigan: "The Gentleman moves for the 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?
Has Mr. Steve Davis voted? The Clerk shall take the

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

112th Legislative Day

3/30/2004

record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 11 of the Calendar there appears House Bill 3893. Mr. Franks. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3893, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Franks: "Thank you, Mr. Speaker. House Bill 3893 amends the Criminal Code and it creates the offense of cross-burning, defined as burning or causing to be burned a cross with the intent to intimidate another person or group of persons. The Bill provides the penalty for the offense as... the first offense as a Class A misdemeanor and a Class IV felony for a second or subsequent offense. This came out of a situation we had in McHenry County a few years ago, where a cross was burned across the street of an interracial couple's home. Under the present law, since it wasn't on the victim's property, we... there was no chargeable offense. And we'd like to close that loophole. I'd be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the 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'. Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears House Bill 4363. Representative

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

112th Legislative Day

3/30/2004

Jakobsson. Representative, what about House Bill 4059? Do you wish to call that? On page 12 of the Calendar there appears House Bill 4450. Representative Kelly. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4450, a Bill for an Act concerning business transactions. Third Reading of this House Bill."

Speaker Madigan: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4450 amends the Automatic Contract Renewal Act by requiring businesses seeking to automatically renew a written contract must notify the consumer of their intent at least 30 days prior to the end of the contract. The notification must state that the recipient can cancel the contract. Violation of this will be a violation of the Consumer Fraud Act. And the violation would be to continue charging a consumer's bank account or credit card without the written authorization of the consumer. This language was suggested by the AG's office and I also worked with the phone companies, the National Federation of Independent Businesses and the financial institutions. I can answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Good morning, Representative."

Kelly: "Good morning."

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

112th Legislative Day

3/30/2004

Parke: "Is this anything that you have... any of your constituents is involved in? Have constituents come to you, and said this has happened?"

Kelly: "Right, this... this came from a particular health club in my area. There were a lot of 'em that were opened and the participants could sign a one year... they could pay every month or pay for the whole year. If you paid every month, then they had to debit your account. And this only pertains to debiting bank accounts or charge cards. When the year was over, even though your contract was up, they'd still continue to debit the accounts of people who didn't even participate any more and the contracts were up."

Parke: "Were they able to get a refund on that money, even though they had stopped the membership?"

Kelly: "One person told me they could get a refund, but no one else told me they could get a refund."

Parke: "Okay. And so you think this is a... something that happens on a regular basis?"

Kelly: "Well, since I developed this Bill, I've heard from a number of people about this, not just dealing with health clubs, but when they canceled accounts for other entities it took the company maybe two, three, four months to stop charging the credit card."

Parke: "Chez chez. Thank you, Mr. Speaker."

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? Clerk shall take the record. On this question,

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

112th Legislative Day

3/30/2004

there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 15 of the Calendar there appears House Bill 6683. Mr. Black. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 6683, a Bill for an Act concerning alcoholic liquor. Third Reading of this House Bill."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is an initiative from several organizations in my home district that are trying to entice the Farm Progress Show. It is the Super Bowl of agriculture and they attract about 350 thousand visitors during their three-day run. They are changing. They're 50 years old and they're changing the way they do business. They are looking now for a permanent site in Iowa and a permanent site in Illinois and would then the su... the Farm Progress Show would be one year in Iowa, one year in Illinois. When you're talking about attracting those kinds of visitors, obviously there are some areas in Vermilion County that are interested. The problem comes in that the Farm Progress Show now has two evening performances, generally country and western music artists. And the Farm Progress Show would like to sell beer at those concerts to defray the cost of the concert, because they aren't, certainly not a cheap event to put on. So, if you were locating this site in a dry township this Bill would allow the trustees of the township to apply for a special event license not to exceed seven days so that the Farm Progress

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

112th Legislative Day

3/30/2004

Show could be held. Be glad to answer any questions that you have."

Speaker Madigan: "The Gentleman moves for the 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? Has Mr. Mathias voted? Clerk shall take the record. On this question, there are 69 people voting 'yes', 46 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, if I can have your attention for just a few moments, please. If I could have your attention. There are four days left in this week to call your Bills. Certain people this morning have declined to call Bills that were called. And so we're simply advising you that we are moving along, there are four days remaining to call the Bills. In terms of Floor Amendments to Bills, we will stop accepting Floor Amendments to Bills at the close of business on Wednesday. Let me repeat that. We will stop receiving Floor Amendments to Bills at the close of business on Wednesday. Relative to Bil... relative to Amendments that would shell a Bill, we will stop receiving those at the close of business on Thursday. So again, for a substantive Amendment, we will stop receiving those at the close of business on Wednesday. And relative to an Amendment that would shell a Bill, we will stop receiving those at the close of business on Thursday. For those of you who are having difficulty putting your Bill in shape to pass because there's

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

112th Legislative Day

3/30/2004

opposition to the Bill, well, we recommend that you consider an Amendment to shell the Bill. Move the Bill over to the Senate and then you'll have several weeks to continue to work on the Bill. So again, if you're encountering strong opposition to your Bill, we recommend that you consider an Amendment that would shell the Bill, which will give you several more weeks to continue to work on the Bill. Mr. Hannig in the Chair."

Speaker Hannig: "Mr. Clerk, would you read House Bill 4436. Representative Flowers."

Clerk Mahoney: "House Bill 4436, a Bill for an Act concerning hospital workers. Third Reading of this House Bill."

Speaker Hannig: "Okay. Representative Boland. For what reason did you rise?"

Boland: "Yes. Thank you, Mr. Speaker. I would like the record to reflect that I had inadvertently hit the wrong button on House Bill 6683, I meant to vote 'yes'."

Speaker Hannig: "The record will so reflect. Now, Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Would you please move House Bill 4436 back to Second for the purpose of an Amendment?"

Speaker Hannig: "Okay. Mr. Clerk, would you move that Bill back on the Order of Second Reading at the request of the Sponsor."

Flowers: "Thank you."

Speaker Hannig: "Representative Hoffman, are you prepared on House Bill 4283? Mr. Clerk, would you read the Bill?"

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 4283, a Bill for an Act concerning gaming. Third Reading of this House Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2, which was adopted yesterday, becomes the Bill. Essentially, what this allows... it simply allows for the... the raffle for the sole purpose of charitable institutions that are children's hos... research hospitals, and makes sure that the money and the proceeds from the raffles will go to the organization for charitable, scientific and educational purposes. It makes sure that there are safeguards in place, so that you have to get a state license and that the license is only valid for one year for the raffle. I ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 4283. And on that question... Representative Parke."

Parke: "Thank you. Representative, this Bill even as you amend it, is still opposed by the ICAAAP, isn't that correct?"

Hoffman: "I... I... I don't know what that is. What is that?"

Parke: "It's a religious anti-gambling group."

Hoffman: "Yeah... I guess, I mean they may... they probably oppose it, but let me just tell you that this is for the use in children research hospitals for raffles. And they may oppose it, but I don't see why. I would think that they would be for child... providing funding for children's research."

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

112th Legislative Day

3/30/2004

Parke: "Well, I don't think it's a matter of the underlying purpose, I think they see it as an expansion of gambling. So, I think that's the strategy they have."

Hoffman: "Yeah, they may, but it's a raffle for children's research hospitals."

Parke: "Well, I think they appreciate that, but that's still expansion, so I just wanted the Body to be aware. Thank you, Representative."

Hoffman: "Thank you."

Speaker Hannig: "Any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Winters, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 88 voting 'yes', 27 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 5016? Representative Graham."

Clerk Mahoney: "House Bill 5016, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5016 takes away the option of probation for a second time offense of felons with unlawful use of a weapon. And it removes the option of probation on first time offense for the use of a machine gun in areas near a school or CHA housing. I'll take any questions."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "The Lady has moved for passage of House Bill 5016. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Eddy. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Grunloh, were you seeking recognition?"

Grunloh: "Yes, Sir, I would like to table House Bill 5076."

Speaker Hannig: "The Gentleman moves to table House Bill 5076. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Bill is tabled. Representative Black, for what reason do you rise?"

Black: "Yep, Mr. Speaker. An inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "As we discussed very briefly yesterday, wouldn't it be a wise course of action to ask those people who want Bills tabled to put in a master list and by a time to be determined by the Chair, those could then be read into the record, rather than do it two or three an hour. Why doesn't everybody who wants to table a Bill just put it on a master list and we table all of them and be done with it?"

Speaker Hannig: "I'd be happy to do that, Representative Black. Representative Gordon, for what reason do you rise?"

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

112th Legislative Day

3/30/2004

Gordon: "Yes, Mr. Speaker, may I have a point of personal privilege?"

Speaker Hannig: "State your point."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we have with us today some very special representatives from the Kankakee County Farm Bureau. Not only are they here out of my district, but also as well as Representative Dugan and I'd also like to point out that the Kankakee County Farm Bureau has adopted Representative Connie Howard as well as their legislator. So if we could welcome them to Springfield, I would appreciate it."

Speaker Hannig: "Welcome to Springfield. Representative Burke, are you ready on House Bill 4361? Representative Burke, 4361. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4361, a Bill for an Act concerning higher education. Third Reading of this House Bill."

Speaker Hannig: "Representative Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4361 would require the installation and the maintenance of fire sprinklers in every college and university dormitory in the State of Illinois. Along with that requirement, we are setting up a revolving loan fund where individual entities would be able to access this account that would be supported by the State of Illinois, for the cost at low interest to make these installations. Let me remind the Members that each year in the country there are over 18 hundred fires in college and university dormitories. And according to the National Fire Protection

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

112th Legislative Day

3/30/2004

Association, since 1990, fire in on-campus collegiate housing has resulted in 32 deaths. These are four fires a day in collegiate housing, but fire suppressant... suppression technology is only present in 35 percent of those fires. Can you imagine, Ladies and Gentlemen, when a parent sends their child off to college, the last thing that they should have to worry about is that their children would be trapped in a fire, at a university dormitory. The only way you can insure the fire safety for college student housing is to place a fire sprinkler system over them. While many newer dormitories already have fire sprinkler systems in place, students who live in older buildings should be given the same sense of security. Be happy to answer any questions."

Speaker Hannig: "And on that question, Representative Bost."

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

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

Bost: "Representative, is it your belief that sprinkler systems save lives?"

Burke: "Most definitely."

Bost: "Okay. In all buildings?"

Burke: "According to the National Fire Protection Agencies and every fire protection expert in our state that we've had access to, yes indeed, they save lives."

Bost: "Okay. Actually they... actually back when we did this for schools, there was a testimony given that in... and understand how, as a firefighter, I'm gonna tell you how a sprinkler system works. First off, and Ladies and

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

112th Legislative Day

3/30/2004

Gentlemen, listen closely to this. Your smoke detectors save lives; sprinklers save property. The reason being is the only time a sprinkler system can save a life is in a multiple-story building, and the reason being is that it takes about a 6 hundred degree ceiling temperature, 6 hundred degree ceiling temperature to set off that sprinkler, which means for that to occur anyone or anything alive in that room will be dead before that sprinkler goes off. In a multi-story building however, they make sense and they're proper to have in place. Because what they do is, is they'll suppress that fire and not allow it to spread to the upper levels of that building. Don't make the mistake with this that we made in when we... when we put this same law on our local school districts. When you have small outbuildings causing our local school districts, now our universities, to spend money that is not necessary, that cannot and will not save lives. I wanna make sure that this language is in there, that it is set up correctly so that it is put in places where it does save lives, not just cost extra money, which people have to spend not to save lives. Folks, I'm a firefighter, I understand how this works. A 6 hundred degree ceiling temperature, if that occurs, you have not saved a life in that room. We put undue costs on our local school districts when we passed this same legislation, because what it made was, every outbuilding that has been put in... you know, in my area, quite often rather than having a built... a full size building built, quite often we would have outbuildings put

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

112th Legislative Day

3/30/2004

up because that's what our school districts can afford. Many of our smaller universities, maybe that's what they can afford. Now, all of a sudden we're gonna put another cost on them that says, now you've gotta go back to those old buildings, reinstall sprinkler systems not to save lives, but with the idea that maybe it would save a life, but it can't, not the way the sprinkler systems are working. Smoke dat... smoke detectors, you bet. Sprinklers systems, no. In multi-story buildings, yes. Representative, I just wanna make sure that the language is clear on this, that it doesn't force our universities to un... to an expense that does not save lives. And that's what I'm trying to get clarified here. And... and can you clarify that in anyway that, that is the case? Is it going to be no matter what the building is, they're gonna have to have a sprinkler?"

Burke: "Yeah, and Representative, I wasn't aware that you were a professional fireman first of all, but you are in direct conflict with every expert fire protection agency in this state, if you insist, here today, that sprinklers do not save lives. Yes, they do. And you tell me if you had a child out at Waterson dormitory out at U of I, that's 28 stories, you tell me how your kid is gonna get out of that building without a fire sprinkler."

Bost: "I just said... Representative, listen to what I just said. I said they save lives in multiple-story buildings. The problem that occurs are that many of our universities have single-level buildings that this will force them to install

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

112th Legislative Day

3/30/2004

those in, at a cost, and we're making this statement that that's gonna save a life. Those do not save lives in single-level buildings. You cannot survive in the building where the room temperature has to reach what it has to reach to set off a sprinkler system. If it is in a multi-story building, like you were talking about, that's fine, and I agree with you. We should make sure that those are in place. Those... that is where we can save lives. But when we draft the language, that says all buildings, then we're gonna fall into that same category that we fell when we were debating the..."

Burke: "Let me correct you right at... right now, it's not all buildings, it's all dormitories."

Bost: "Okay. Are there any single-level dormitories that are out there that this is gonna force us to put sprinkler systems in, at a cost, so we're making... a tremendous cost without the opportunity to save lives?"

Burke: "As you might imagine, Representative, when you consider economics, I... I don't know of any single-level dormitories. I'm sure there are some. They are not the greater majority of these living facilities. The great majority of these dormitories are over one level. So, we're talking two and three, and as the... the site that I gave you, Waterson at U of... ISU, I beg your pardon, is 28 stories."

Bost: "Right. And I do not disagree that they should have sprinkler systems in them."

Burke: "So the great majority of our..."

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

112th Legislative Day

3/30/2004

Bost: "So, but... but we need to clarify about the statement that these other fire groups... you say the fire groups say they will save lives. The sprinkler system, the sprinkler system stops the spread of fire, which will save lives in a multi-story building. But in a single story building..."

Burke: "And Representative, you've heard the old expression where there's smoke, there's fire? Smoke is what kills for the most part."

Bost: "Right."

Burke: "Fire is the secondary concern."

Bost: "Tha... that is correct..."

Burke: "Right."

Bost: "...however..."

Burke: "And you tell the families of those that were in the Cook County building, just a few months ago, that... that that building shouldn't have been sprinklered and you'd have a major argument on your hands."

Bost: "I... I do not disagree with they should be sprinklered. What I disagree with is the statement that we're gonna save lives in... because that is a misconception that is out there. Smoke detectors save lives, sprinklers save lives in multiple-story buildings. Sprinklers cannot save lives in single story buildings, because they do not go off in time to save lives. Whether it's for smoke or whether it's for heat."

Burke: "Well, Representative, if this is a matter of semantics I'll give you that, yes, indeed, I would insist that there'd be sprink... smoke detectors as well. And

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

112th Legislative Day

3/30/2004

furthermore, back several years ago, I introduced legislation to require carbon monoxide detectors. Yes, all those protections should be in place when you're talking about insuring the safety and the lives of young people in this state, when their parents send 'em off to school expecting that they are gonna at least be safe from fire and smoke inhalation. So, semantics, yes, I give you the fact that, yes, there should be fire... or smoke detectors, but..."

Bost: "They're already required."

Burke: "...there better be sprinklers."

Bost: "They're already required. Smoke detectors are already required. Sprinklers... however, I also don't want to send a false message to our constituents, that... th... th... that if someone is in a single-level dorm and you sprinkle it, you're not going to save lives in there."

Burke: "Well, I suppose if the smoke detector went off they'd be able to climb out the window quick enough to avoid the fire. But, again, if we're talking about semant..."

Bost: "You said smoke detector not sprinkler."

Burke: "... I'm gonna... I give you the fact that, yes, you have to have smoke detectors in..."

Bost: "Okay."

Burke: "...these properties."

Bost: "Here... here's... here's my concern, right now, whenever..."

Burke: "But, let me tell you, too, another group of individuals that are supportive of this legislation is every single college and university in the state. There has been no

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

112th Legislative Day

3/30/2004

opposition, until your remarks today that have indicated any concern for the importance of this legislation. So, I don't really know where you're going with this."

Bost: "Well, Representative, let... let me explain to you. I am... I am just trying to clarify for the purpose with this legislation, so that we know... the last time we did this, the last time we did this we did it to our local schools. Now, our local schools did not actually oppose the language, because you know, it's a tough thing to oppose. You're saying, oh well, you're not for safety. Well, that's not true. But we also don't want to send a... a message out there that these sprinklers are gonna somehow save someone in a single-story building. That's not and... and... and..."

Burke: "That's never been the suggestion of this legislation, Representative, you know that. I don't know where you're going with this argument, but I'm frankly not catching you."

Bost: "I... I... Okay. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Bost: "Ladies and Gentlemen, all I am asking on this Bill is remember, whenever we have our universities that are in situations right now, because every time we turn around, we are cutting the budgets of our higher ed. We're cutting the budget of higher ed. I believe we should have safe dormitories. Anyone in this room believes we should have safe dormitories, however, I do not want the misconception out there that by us spending the money on a single-story

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

112th Legislative Day

3/30/2004

dormitory that we're going to actually protect the people, 'cause we're not, we're gonna protect property. But we're not gonna protect the people. I don't know whether I'm voting for it or against it, Representative. But I do know, I do know that I do not want the misconception out there that these sprinklers save lives in single-story buildings, which was the same we had when we passed it for our schools. Thank you."

Speaker Hannig: "Representative Myers."

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

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

Myers: "Representative, I believe you did state, but I just want to clarify for the record, you say all state public universities are in support of this measure?"

Burke: "Yes, Sir."

Myers: "And this Bill is subject to the appropriation of dollars being put into this revolving loan fund that's supposed to be administered by the finance authority and the State's Fire Marshal's Office. Is that correct?"

Burke: "Yes, Sir."

Myers: "If there is no appropriation put into this revolving loan, then is the mandate for these sprinklers still in existence or is the mandate only subject to appropriation?"

Burke: "It would still be in place, but it's a very comfortable timeframe, we're talking about the year 2013."

Myers: "I've talked with my own university, Western Illinois University, and I know they have been in support of this. I know that they, over the years, have had the desire to

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

112th Legislative Day

3/30/2004

sprinkler their existing dormitories, which the housing director at Western Illinois University now refers to as residence halls, rather than dormitories. So, I... I applaud your Bill, I know that the universities, as you say, are supportive of this and want to do it. I just really hope that we can make that appropriation into this revolving loan fund to assist these universities in accomplishing the goal that they've had for a long time. Thank you."

Speaker Hannig: "Representative Moffitt."

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

Speaker Hannig: "To the Bill."

Moffitt: "I applaud the Sponsor for bringing this issue forward. Across the board, the fire service is in support of this legislation. If you stop and think about what we're really doing here it's attempting to protect our students, the contents, keep a fire from spreading. If you keep a fire from spreading you're certainly gonna save lives. I would submit to you that we are one tragedy away from the public demanding this type of legislation, one tragedy away. With the bulk of our dorms not protected. This plan is reasonable. There's time to plan, there's time to comply. And assistance is provided for financing this. Really, failure to pass this is like saying we can put a value on safety and protection and I don't think any of us want to be in that position. A prior speaker, whom I may have the greatest of admiration and respect for and has lots of experience in the fire service, compared smoke detectors and sprinklers. The University of Illinois Fire

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

112th Legislative Day

3/30/2004

Institute has a video and I wished we would had a chance to see this sooner, comparing side by side mockup dorm rooms; one protected by a smoke detector and one by a sprinkler. There's not much difference in that mockup situation in when they went off. The smoke detector simply at that point would tell the student to get out and the smoke... the room was totally filled with smoke. The sprinkler room never got totally filled; you could still see your way out. I think it does greatly improve the margin of safety. We're talking about our greatest asset in this state. It's reasonable. Every professional organization with the fire service is in support of this. By giving them the time to plan and the method to finance it, I think it becomes a very reasonable thing to do. When it goes to the Senate, I think some of the prior comments, if those could be addressed, there'd be that opportunity if there should be any exceptions. But this is a great first step. I commend the Sponsor. This is the right thing to do, and now is the right time to do it. Thank you."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes, real briefly, just to the Bill, Mr. Speaker. Let me just say this. I don't care if it's a single-story, it's a two-story, it's a three-story, it's 28 floors, it doesn't matter. When I send my child to a university, to a dormitory, there should be a sprinkler system. Why is that so difficult? If we have a one-story building and you say it's not gonna save lives, why take that chance? Why should we take that chance? I know of no one-story

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

112th Legislative Day

3/30/2004

dormitory in this state. There may be some, but even if there is a one-story dormitory don't we have an obligation to make sure we protect the people in there and their property. I respect some of the previous speakers, but let me just tell ya, this is a no brainer. The Associate Firefighters of Illinois, the Chicago Fire Department, the Illinois Association of Fire Protection Districts, the State Fire Marshals, they're all for this. There is not one person that I know, other than one of the previous speakers, who may be against it. Vote for this. Save our children's lives. And vote with Representative Burke on this issue."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. And I don't think we need to get ourselves all worked up and exorcised. The Bill is gonna pass by an overwhelming majority. But let me... let me just come to the defense of my good friend, Representative Mike Bost. Mike... Representative Bost raised legitimate questions that many of us in this chamber raised years ago when the law was passed mandating sprinklers in elementary and secondary schools in Illinois, if they were to be new construction or extensive remodeling, which was never adequately defined. Let me tell you what... what Representative Bost and myself and other downstaters got into with this Bill, particularly, in single-story buildings where every classroom had a door to the outside.

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

112th Legislative Day

3/30/2004

And I remember we tried to amend this Bill about two years after it passed, and we went to a committee. I had a superintendent of schools from my district. Here's the problem. Now, Representative Burke, we're not gonna get into any of these problems with your Bill, I understand that. But what Representative Bost was referring to was the one size fits all thing that sometimes happens down here. I brought a superintendent down who was remodeling his school. They were on a well and as he explained to the committee, if a fire sprinkler, if a 35 gallon per minute sprinkler head opens or two of them opens, the well would be sucked dry in about 40 seconds and that's the end of the water. And I never will forget the response that that superintendent from a small rural district was given by a Member of this Body who's no longer here. They turned to that superintendent and said, 'well, I can solve your problem, you need to build a 10 thousand gallon water storage tank above ground and that way you'll always have the water pressure.' So, I think what Representative Bost was saying, simply, was the fact that we have had problems with sprinkler systems in rural areas, particularly if you are on a well and you do not have an above ground storage tank to maintain water pressure. A sprinkler system will run your dryer... run your well dry very quickly, unless you can afford the a... the above ground 10 thousand or 20 thousand gallon storage tank. So, I think he was trying to make sure that that wasn't going to happen to some outbuildings in a rural community college that might be

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

112th Legislative Day

3/30/2004

served by a well. The underlying Bill makes eminent good sense. It's going to pass overwhelmingly. The Sponsor has done yeoman work on how it will be financed and I think we've all seen just recently in Chicago, that a sprinkler system in a high-rise can certainly be an effective firefighting, as well as a lifesav... lifesaving technique. But Mr. Bost was not speaking... I... I... I... I don't speak for him. I don't think he was exorcized about this Bill, he was just exorcized about something that happened statewide a few years ago that has really created some problems for small, rural school districts that are served by a well rather than a city water source that deliver thousands of gallons per minute to a building. That's all he was saying, and... so I just rise to defend him, because I've been there, I've seen what happens to these schools. The under... the Bill in question, good Bill, good Sponsor, good language on financing, deserves an 'aye' vote."

Speaker Hannig: "Representative Burke to close."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Again, let me just assure you, for all those previous speakers who have raised some very, very important questions, let me suggest firstly that in the number of years that have passed since the first introduction of these similar initiatives regarding sprinklers there have been tremendous technological developments that have taken place with respect to these systems. One previous speaker talked about having to have a water storage unit and adequate pressure. Well, the new systems today, Ladies and

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

112th Legislative Day

3/30/2004

Gentlemen, have pressure systems that are electronically controlled, so there is no longer that regard for having these water storage tanks and all other attendant devices. And I... frankly, Ladies and Gentlemen, not... not having heard one utterance of opposition from any single entity in this state during the committee discussion, during the publicity that this matter has received, there has been not one single word of opposition to this legislation today. Let me also say that I don't know any of you that interact with college students today, but I would suggest to you and remind you that the behaviors that those young people engage in are not what you typify as being fire safe. In fact, my counsel here had just recommended to me that when she resided in a high-rise dormitory that the students ignored the fire alarms, stayed in the buildings, continued to burn their incense, smoke, engage in all these behaviors that young people engage in. What can we say to parents that are sending their kids away to these schools, if we are not taking the steps to properly protect their safety? Ladies and Gentlemen, I don't know how anyone in this Body could sit here today in good conscience and vote against this initiative. It is good for our society. It's good for our young people. It is very important public policy and I would insist to you that you should be voting 'aye' on this matter this morning. Thank you very much, Mr. Speaker"

Speaker Hannig: "The question is, 'Shall House Bill 4361 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is

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

112th Legislative Day

3/30/2004

open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Joe Lyons, would you like to vote? Okay, on this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you call House Bill... read House Bill 6691?"

Clerk Mahoney: "House Bill 66... House Bill 6691, a Bill for an Act concerning municipalities. Third Reading of this House Bill."

Speaker Hannig: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 6691 amends the Municipal Code. Committee Amendment #1 becomes the Bill. It extends the life of the tisk... TIF district in the City of Elmhurst, whose ordinance was originally adopted on October 20, 1986. All the surrounding taxing bodies have supported this and I seek your favorable support."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Slone. Representative... Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 6648 for Representative Hoffman?"

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 6648, a Bill for an Act concerning workers' compensation. Third Reading of this House Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. All this Bill would do is it would change the name of the Illinois Industrial Commission to the Illinois Workers' Compensation Commission. Years ago the Illinois Industrial Commission... Commission got its name because it also did job training as well as workers' compensation. All it does now is it administers the Illinois Workers' Compensation Act and I ask for a favorable roll call."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all... Representative Brady. Okay. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 4870 for Representative Kelly?"

Clerk Mahoney: "House Bill 4870, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Hannig: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4870 amends the Illinois Public Aid Code by providing a 2 percent cost of living adjustment to all providers of childcare, both licensed and exempt from

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

112th Legislative Day

3/30/2004

licensure, under the Childcare Act of 1969. These childcare providers have not received a COLA adjustment since July of 2000. There... when we think of providers, you must think that they are not only the providers, but the cooks, the teachers, the assistant parents, the chauffeurs and the housekeepers. I have visited a few providers and I know how hard they work and they actually work longer than a normal day and they don't get paid for the time they work. I hope we put the children first and we think of quality childcare providers to serve our children and low-income families. I can answer any questions."

Speaker Hannig: "And on that question, Representative Parke."

Parke: "Thank you, Mr. Speaker. How do you pay for this, Representative?"

Kelly: "Well, actually, I was looking at the money that we give to the racetrack slots and maybe we can use some of that money and take care of the childcare providers."

Parke: "Well, what racetrack slots?"

Kelly: "What was reported in the Chicago Sun Times. That money that we're giving to racetracks."

Parke: "We're still giving it to 'em. Did something change?"

Kelly: "Right, but I'm hoping that we can take some of that money away from that entity and give it to the childcare providers. And look out for our children."

Parke: "Do you have legislation in to do that?"

Kelly: "Not at this point."

Parke: "Do you know how much you're gonna... you're talking about?"

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

112th Legislative Day

3/30/2004

Kelly: "11.5 million dollars will take care of both the in-home providers and the center providers."

Parke: "What happens if you don't get the money?"

Kelly: "And there's also consideration to increasing federal money in Congress right now."

Parke: "So, everything is wishful, you're hoping."

Kelly: "Yes, I'm optimistic that we're gonna think about the children first and the people that take care of them."

Parke: "Well, that's a... well, at least you didn't say it's subject to appropriation. I mean this is certainly a new twist. And you have no legislation and you don't know if the Federal Government's really gonna do that. So this is sort of a pie in the sky kind of thing that you're hoping will happen, that you'll find \$11 million somewhere?"

Kelly: "Well, I'm hoping we can work it out in the budget process."

Parke: "To the Bill. Ladies and Gentlemen, I'm... I mean I commend... I mean the underlying idea has merit, but I... I'm concerned about putting legislation in when there's no funding source and it's all wishful thinking. I don't know if that's a precedent you wanna start... to do. I... well, it's a new twist. I will probably vote 'present' on this legislation and we'll see what other funding vehicles are available later on. Thank you."

Speaker Hannig: "Any further discussion? Representative Kelly, would you like to close?"

Kelly: "Yes, I would. I just think this is a matter of priorities and our children are priority. Also, these

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

112th Legislative Day

3/30/2004

childcare providers allow low-income working parents to continue working. If they cannot continue to work, then the welfare rolls or the public aid rolls will grow anyway. So I hope we put the children first and the people that take care of them. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 4870 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wait. Okay, Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 1 voting 'no' and 11 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 6874? Representative Froehlich."

Clerk Mahoney: "House Bill 6874, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. House Bill 6874 simply says that in those rare instances where a police officer goes bad and is decertified and the main reasons for decertification would be conviction of a felony or a serious misdemeanor, that no police department may later hire that person back. He's already disgraced the uniform. He should not work for any department. We're trying to put what's already a rule into the statute books. The Bill passed unanimously in committee. I'm not aware of any opponents. I ask for an 'aye' vote."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4036 for Representative Lang."

Clerk Mahoney: "House Bill 4036, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill involves the threshold on the criminal trespass to property part of the Criminal Code, as to whether something is a misdemeanor or a felony. In 1982... 1982, we changed it from a hundred and fifty dollars to three hundred dollars and there has been no change in this since. This Bill proposes to change it to eight hundred dollars. In... in committee, my original Bill had a much higher amount, but in cooperation with the other side of the aisle and others, we reduced it to eight hundred dollars. The background of this is pretty simple. There's a lot of kids out there who do things they should not do. They damage people's cars. They do all sorts of nasty things. But a little mirror on the side of someone's car could cost much more than three hundred dollars, and we're turning young people, admittedly who do bad things but we're turning them into felons. This

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

112th Legislative Day

3/30/2004

just simply goes along with inflation and raises that amount. And we don't really want some 18-year-old kid who does something they shouldn't oughta do, to be a felon for the rest of their life 'cause they break someone's mirror three hundred... for three hundred and one dollars. So, I would ask your support on this."

Speaker Hannig: "And on this question, Representative Parke."

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

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

Parke: "Representative, our records show that the Illinois Sheriffs' Department is opposed. Has that been changed by your Amendment or are they still opposed?"

Lang: "I do not believe that anyone testified in opposition to this Bill in committee."

Parke: "Why did you rais... lower it from 15 hundred to 8 hundred?"

Lang: "I was working with the committee, Representative Lindner and I. Representative Lindner is the Minority spokesperson and she and others on the committee felt 15 hundred was too high and I was willing to negotiate it to another figure and that's how we got to 8 hundred."

Parke: "Thank you, Representative."

Speaker Hannig: "Representative Gordon."

Gordon: "Thank you, Mr. Speaker. I have nothing but the utmost respect for Representative Lang. I do and I appreciate what he's trying to do. However, what I would like to point out, that in these situations when criminal damage to property is charged and it is over \$3 hundred, this is used

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

112th Legislative Day

3/30/2004

as a bargaining tool for prosecutors, it is not an automatic charge to a felony. What it does do is help the victim of the crime, whose property was damaged, get their money back a lot sooner than what would let them, ya know, wait longer for this defendant to have to pay them back. I... I would just ask that we vote 'no' on the Bill. That it remains the same at the \$3 hundred threshold. I don't think that we should give a break to defendants based upon the inflation rate. Thank you."

Speaker Hannig: "Representative Lang, to close."

Lang: "Thank you, Mr. Speaker. While prosecutors do sometimes take the opportunity to use this as a bargaining tool, the fact is the statute says that if it's more than \$3 hundred, it's a felony. I really don't think we need our young people walking around with felony convictions when we don't have to have it. This Bill simply raises this amount for the first time since 1982. I would ask your support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Who's... who's left, Mr. Clerk? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 47 'yes' and '69' 'no'. Would you like Postponed Consideration, Representative Lang?"

Lang: "Why not."

Speaker Hannig: "Okay. Postponed Consideration. Mr. Clerk, would you read House Bill 5925?"

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 5925, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. Today, I bring to you House Bill 5925. And this Bill is designed to provide for the needs of individuals, employers and other purchasers of health coverage in this state and allows them to have the opportunity to choose insurance plans that are more affordable and flexible than existing policies that are out there. This proposal would seek to increase the availability of health insurance coverage by allowing insurers to authorize and engage in the business of selling insurance in this state and to issue those policies that in whole or in part do not offer to provide these state-mandated health benefits. What it does require is that in this group of plans that there be one option, which the employee chooses, which includes all mandated health coverage. In addition to that, they would be able to pick and choose amongst other plans, very simple... similar to what we do with our plans here or what the ERISAs, the self-funded plans can do. The only group that can't do this currently under existing law are a small business and non-ERISA plans, which is about 30 percent of the covered individuals that are out there. Seventy percent of the people who have insurance coverage come from either unions, self-funded, which we can't regulate or tell them what has to be in and what has to outside of a policy. Each policy that's listed in here has to contain a

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

112th Legislative Day

3/30/2004

continuation of coverage, conversion coverage, coverage for preexisting conditions, all federal mandates, which would be mental health, parity, mastectomy, breast reconstruction. Anything that's listed as a federal mandate under HIPAA and under ERISA cannot be opted out of. Now, they have a compliance with timely payment of claims and it requires that the employee as well as the employer sign off on what levels of coverage are going to be within the policy itself. There also has to be disclosure of what is not covered, to make sure people understand what they're choosing and that they do have a clear choice. The insurers have to include specific notice in the application and policy itself that clearly states what benefits are to be included. Over the course of the last couple of years, we've looked at how to get policies out there and get employers to offer their employees coverage. We have the availability of people currently to purchase a no bones or a barebones policy. Nobody buys them. You know why? Because they don't cover anything. An employer who wants to provide health care benefits wants to do so and they want to buy a policy where they can cover it, this would allow them to custom fit what they're gonna purchase to their needs. By doing this, they can receive a lower premium by letting them design these plans and allowing their employees. Now, this is the first time an employee will have that ability to choose which plans cover them best. I know that there'll be questions on this measure. This is actually... one of the more interesting things about

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

112th Legislative Day

3/30/2004

this is this program when it came out of Texas and has started we have seen that 20 percent of the people buying these policies have previously opted out or not had health care coverage. So, it's an incentive for some of the younger, healthier people to get in. And that's the idea or one of the ideas with it, is to expand the base of people who are covered and thereby achieve some savings in the cost of health care. I stand ready to answer any questions. I would appreciate an 'aye' vote."

Speaker Hannig: "And on that question, Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

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

Flowers: "Representative Mautino, I have the utmost respect for you and what it is that you're trying to do. But I have some serious concerns about your consumer choice Bill. Would you please... will you mind ans... answering some questions, please?"

Mautino: "Be happy to."

Flowers: "Thank you. Under House Bill 5925 would this Bill allow insurance policies to be written that does not include state mandates? Is that what I heard you to say?"

Mautino: "Yes, it allows that the policy that is written must, one, contain an option which has all of the state mandates included. It may also offer different options which may include some but not all of the other mandates. So, from a top-of-the-line down to a minimal coverage at the choice of the employee."

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

112th Legislative Day

3/30/2004

Flowers: "Well... well, let me just ask you this. Do you think that the state mandates that we pass, the reason why they are mandates, they were important because the insurance companies was not offering the coverage that was medically necessary? And so therefore, this Body made it a mandate that they cover it."

Mautino: "I do agree that all of the mandate Bills that are out there in and of there own definitely have merit and there's a need for coverage. And this Bill does provide that the employee can choose one of those levels of coverage. But there's... there's something else that's also true. Every time we require a new mandated coverage the people who are offering the... not the insurance companies, but the employers, their premium goes up as well. With that... I'm just finishing answering the question."

Flowers: "Well..."

Mautino: "With that we have a problem whereas we stack these additional mandates on a Bill and on what must be provided in a coverage to only 30 percent of the people out there, employers are choosing to drop insurance coverage."

Flowers: "Well, Representative, I'm... I'm kinda confused about what you're doing here, because... Well, let me just ask you this question. Are you repealing the Small Employers Group Health Insurance?"

Mautino: "Can you repeat that, Mary?"

Flowers: "Are you repealing the Small Employers Group Health Insurance Law?"

Mautino: "Yes."

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

112th Legislative Day

3/30/2004

Flowers: "Well, see I'm really confused about what you're doing here, because you're repealing the law on one hand and then on the other hand you're saying that the man... you can still have the mandates. And then there's a group out there where a... an insurance policy out there where the mandates will not be a part of that policy. So, are we setting up two classes?"

Mautino: "No, we're not. Actually, we're allowing the private sector and small business to do what we in the General Assembly can do and do every year with our own policy. This is one..."

Flowers: "But Rep... Rep..."

Mautino: "Sure."

Flowers: "Representative, are not the mandates in our policy as the law is today?"

Mautino: "As the law is today, yes, they are, however they do not have to be."

Flowers: "And so what..."

Mautino: "There's not a requirement."

Flowers: "...what this Bill is doing is subsid... by you repealing the present law, you are substituting with something less for the small employers to cover their employees, for those who may have to choose that particular type of insurance coverage."

Mautino: "I would disagree with that. We currently have a system that is two separate systems. You have the ERISAs who do not have to provide anything other than the federal mandates, those four federal mandates. And they can choose

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

112th Legislative Day

3/30/2004

those at will. That's 70 percent of the people out there. The only people who can't make any choices in what coverage they're gonna have are small business and businesses who cannot afford to self-fund their own premium. So, currently, we have a two-class system as the law exists today. And what this purports to do is say to the employee, you may choose all state mandates, but if you would like you can also choose something lesser that fits your needs."

Flowers: "Well, then I have to ask this question. If the employer... employee is going to choose something lesser that's going to fit his or her needs, will they have full coverage? And then, what part of their body will be excluded under this Bill, in regards to coverage? And when you... when you have an accident or... And let me just ask you about the family. Let's say I want to have my daughter who might have asthma, I want to include her in this particular policy that don't have the mandates."

Mautino: "All pol..."

Flowers: "Will the insurance company... will he discriminate against my daughter because she has a preexisting condition? And will my policy go higher?"

Mautino: "All policies include the existing requirements for children and adopted children, both. And in your case, Mary, you would choose the option of full mandated coverage. You would..."

Flowers: "Well..."

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

112th Legislative Day

3/30/2004

Mautino: "...not be the person that would... would choose a different program to fit their needs."

Flowers: "Well, let me..."

Mautino: "But the choice is yours."

Flowers: "Well, it's easy for you to say the choice is mine, because the choice is what I can afford. Am I correct? And it... it appears to me, Representative, what we're doing here is setting up a situation that could cause havoc in the workplace. But let me just kinda get back on to the Bill. How would this Bill differ from the current Small Employers Group Health Insurance Law that... I mean what will be the big difference?"

Mautino: "Okay. The big difference. Well, let me give you an example. For 54 employees I pay \$22 thousand a month. That coverage that we get is... it's a thousand dollar deductible, it's 80 percent in-network, 60 percent out-of-network on the first \$10 thousand. Now, that covers all state mandates. So, to my monthly bill is 22 grand. Now, some of my people may opt for a different level of plan. Most will opt for this coverage and they and I will both sign that piece of paper. Now, they'll opt lower, so what happens is by that I get a lower aggregate total. Now, maybe my monthly premium will go from 22,000 to \$21,500, because of the aggregate total. The assumption that a lot of people make on this Bill is that an employer does not want to cover his people. If I didn't wanna give my people a policy that was going to cover them I wouldn't spend \$22 thousand a month, that's my share on there. And if I can

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

112th Legislative Day

3/30/2004

make a plan that fits and gives them proper coverage, I'd like to do that. But because I'm not an ERISA company, because I'm not a union, a self-funded, I can't do that. I don't have the option that 70 percent of the people have 'em out there. I mean those are my numbers. That is... that's not a made-up thing, that's a monthly bill."

Flowers: "Well, let me just give you another example. Under the policy requirement under current law, subsection (D) states that, 'the policy must provide that all new employees of the employer new members association or new members employee of members eligible and applying for insurance in the group or class shall be added periodically.' Will your Bill allow these people to be added periodically?"

Mautino: "Just as in any other group policy, just as we do downstairs in Room 115, when it comes time for the renewal..."

Flowers: "Is that in..."

Mautino: "...of a policy you can come in and you can change. Just as in any other policy, you can't change midcourse on there. But on your annual renewal date, sure, you can upgrade and go to... go to a fuller plan or actually you can drop down. Maybe your circumstances changed where you don't need some sort of coverage. You can adjust it the next year."

Flowers: "So, in other words, they cannot be added periodically, under your Bill?"

Mautino: "Can... can you repeat, please? It was a little loud."

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

112th Legislative Day

3/30/2004

Flowers: "In... in other words, they cannot be added periodically, under your consumer choice Bill? They will not have that choice."

Mautino: "One second, Mary. Oh, just like a reg... I'm sorry, Mary. The answer is 'yes'. In a course... Let's say I get married. I'm a single guy who's working at Mautino Distributing Company. I get married in the course of the year. Then just like with any other policy I can add my... my new wife and her two children..."

Flowers: "Well..."

Mautino: "...to that policy in the course of it."

Flowers: "Okay. I didn't see that language in the Bill. But let me move along. Will all employees existing or..."

Mautino: "That's current law; it doesn't have to be changed in the Bill."

Flowers: "Well, but see, remember you're repealing the current law. And so therefore, I don't know... I don't know where the language is here. Well, while you're looking that up, let me just ask you another question. Will all employees pay the same premium? And let... and let me just give you an example. Another example under subsection (I), 'the current law prohibits discrimination between individuals of the same class of risk in the issuance of a policy in the amount of the premium or the rate charge for an insurance covered by this Article and in benefits payable.' So, will all of them... will all employees have the same premium amount?"

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

112th Legislative Day

3/30/2004

Mautino: "As far as the structure on the premium, the rating bands itself would apply. There's no change in the small business rating bands, so they apply. But are you asking me if they'll have different levels of co-pay and deductible?"

Flowers: "Right."

Mautino: "Yes. As a matter of fact, if you voted yesterday for House Bill 4180, which allows small hospitals to enter the local government plan, which a hundred and fifteen of you actually did, that is what this is. It allows you to take the indemnity plan, which is an ERISA plan, doesn't have to cover mandated benefits, they can be negotiated and you can choose between seven levels of managed care with differing co-pays and deductibles. So, can the co-pays and deductible be different, yes. Matter of fact, no different than what you voted for yesterday."

Flowers: "But what does that do for, again, the current law? It prohibits discrimination between individuals of the same class of risk in the issuance of the policy."

Mautino: "The rating bands would still apply, Mary."

Flowers: "Okay."

Mautino: "The group coverage rating bands still apply and that does not have an impact on the co-pay and the deductible. You can choose right now your level of co-pay and deductible that you want. Maybe you want an 80/60, 80 in-network, 60 out-of-network. Maybe you're interested in the policy just because you need the pharmaceutical side of it, so you may choose something that fits you. All these

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

112th Legislative Day

3/30/2004

things tend to be negotiated or the person getting the policy chooses and they must be notified."

Flowers: "Under subsection (J) it says, 'no company can make or permit any distinction or discrimination against individuals solely because of handicap or disability. The amount of payments and the premiums and the rate charge, the amount of any dividends or other benefits in any other terms and conditions.' And under subsection (K) it says, 'no company can refuse to insure or refuse to continue to insure, limit the amount or extend... or the kind of coverage available or change individuals of different rates for the same coverage solely because of blindness or partial blindness.' Will these... will this still be enforced under House Bill 5925? Subsection (J) and subsection (K)."

Mautino: "Mary, was that a question?"

Flowers: "Yes."

Mautino: "What's your... as I said..."

Flowers: "Under... Will subse... will subsection (J) and subsection (K) still be a part of your Bill, which deals with peop..."

Mautino: "Subsection (J) and (K) of the Insurance Code?"

Flowers: "Yes."

Mautino: "What page on the Bill itself are you looking at? I think you're talking about the code instead of the Bill at this point."

Flowers: "Yeah, well, you... again, you repealed the... the Small Employers Group Insurance Law. And I'm asking will the protection... you eliminated the mandates, but will the

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

112th Legislative Day

3/30/2004

protection for companies not to make distinctions or discrimination against individuals solely because of their handicap. Ya know, will these people be charged a different premium? And then under subsection (K), 'no company can refuse to insure or refuse to continue to insure, limit the amount or extend any kind of coverage availibil... available to an individual or charge an individual a different rate for the same coverage solely because of blindness.' So, will this language still be in the Bill, the protection?"

Mautino: "And I'm just looking it up in the Insurance Code right now, so just bear with me for a moment. Mary, I'll get... I'll get back to you on that. But one of things this... And I'm just talking to staff here. They said that this is... that the repeal of the Small Group Insurance Act, can you point out where that is in the actual Bill? Because I'm... I know the original copy, but the Amendment may have... may have taken that out. I don't see that repeal within the Amendment itself. So, the answer to your question is then, yes, that would apply and the rating bands would still apply."

Flowers: "Well, thank you, Representative, for answering my questions in regards..."

Mautino: "Both staffs have just gotten together and said that there is no repealer of that Section within the Bill itself."

Flowers: "Did you not..."

Mautino: "And so, that would still apply."

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

112th Legislative Day

3/30/2004

Flowers: "Did you not repeal the Bill, I mean the Small Employers Group Health Insurance?"

Mautino: "The LIS that you're taking from the front there is incorrect, your LIS analysis. As... here's our technical review staff right here which has just said that within this and the Bill has an Amendment does not repeal that. So, the analysis is incorrect that you have."

Flowers: "Well..."

Mautino: "So, all those Sections of the Insurance Code still apply and so do rating bands."

Flowers: "Well, you know, Representative, I'm sorry. I appreciate what it is that you're trying to do, but I have lots of concerns with this legislation. It appears to me that what we're doing here is advocating on the behalf of the insurance company as opposed to on behalf of the people who... the consumers who really need the service. And what we're doing is we're cherry picking, we want the young and the healthy to pay a premium and hopefully, they won't need it. And then for the sick it may be they don't know what they're gonna have because you're asking them to choose the insurance policy that they don't know what's going to happen to them once they have this policy. They don't know what part of their body is going to be covered because you've eliminated the mandates. They don't know if they will have the emergency room opportunity. And as far as the family coverage... And I think what we're doing here, Ladies and Gentlemen, I think what we're doing is creating havoc in the workplace. Because there were... there are

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

112th Legislative Day

3/30/2004

going to be some people that's going to be able to afford to have this in the workplace, this type of insurance or either the full coverage insurance with the mandates and then there will be some who will not be able to have it. So, will the employer penalize the one that's asking for all the mandates or will the people who've been rejected by the insurance company because of their lifestyle, because of obesity, because of whatever reason, ya know, will they be rejected? And is that a form of discrimination? And then what will that do again in regards to the workplace? I think... I know, Representative, your heart is in the right place in regards to what it is that you're trying to do. And hopefully, there ca... there's another Bill out there later on that we can work together on in regards to making insurance affordable for everyone. But I think this Body has worked too hard for the mandates to be in place, the mandates are a necessity. If they were not a necessity we would not have passed the legislation because the insurance companies would've covered them, but because they didn't they are a mandate. So, therefore, I think it should stay there. And I think what we're doing is pooling the cream of the crop and that's a disservice. And I would appreciate a 'no' vote, respectfully, on House Bill 5925. Thank you."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of the

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

112th Legislative Day

3/30/2004

Bill. If you listened to Representative Mautino, a small business owner, \$22 thousand a month in premiums is what he pays to cover his employees. This Bill doesn't destroy anybody's insurability, in fact, it's one of the fastest-growing aspects of health insurance right now, even HMOs are getting into a... what we call, a cafeteria style, pick and choose what you need at your age. If I'm a 19-year-old working for Mautino Distributing, a 19-year-old male, I may choose not to have obstetric coverage, I may choose not to have the mammogram coverage, I may choose not to have many of the state mandates. When my lifestyle changes or my age or my marital status, I may wanna pick up the obstetric coverage and the other items. This isn't revolutionary. This is going to put more people insured than we currently have because they can pick from a variety of choices as to what their employer and they can afford. They can pick their deductibles. They can pick their co-pays. And they can tailor health insurance to what they feel they need at the stage of life that they're in. If I wanted to... if my wife and I wanna go back to work after we retire in our mid to late sixties for some company, part-time, I don't need, miracles notwithstanding, we would not need obstetrical coverage and if we had a plan that would allow us not to get that, then we can reduce our premiums and we will be able to afford some basic health insurance that would not leave us bare in this costly market. I commend the Sponsor. It is one of the fastest-growing segments of the insurance business and what in the world is

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

112th Legislative Day

3/30/2004

wrong with letting people choose what benefits they think they need and can afford and that they're happy with it. He's carefully explained the Bill. It doesn't discriminate. It doesn't eliminate. It simply adds more people to insurance rolls because their insurance will be affordable on their part and the part of their employer and they're able to pick the level of coverage that they're comfortable with at their age and lifestyle. It's a very good Bill. I hope you'll vote 'aye'."

Speaker Hannig: "Representative Miller."

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

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

Miller: "Representative Mautino, what is the ultimate objective of this Bill? I'm a little concerned and also confused. Some of the comments that you made earlier suggested... Well, what is the objective of the Bill?"

Mautino: "The objective of the Bill is to get more people to opt in for coverage or to slow the rate of employers who cannot afford to provide what the market is currently providing. That's... that's basically it in a nutshell."

Miller: "You..."

Mautino: "We'd like to have the same opportunities for your dental office and staff. You can't buy this policy now and you would want the best for your folks, too."

Miller: "Well..."

Mautino: "But if you were ERISA funded... So, I mean, basically we wanna get more coverage and to slow the decline of people not offering health insurance."

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

112th Legislative Day

3/30/2004

Miller: "All right. 'Cause earlier in your comments you talked about the cost, I believe in your own facility or some facility..."

Mautino: "Family business."

Miller: "...but I didn't hear about expansion of health care within those... within those individuals or the fact that your company or other companies do not have... offer benefits to particulars on this. And so... so, when we talk about the objective, I guess the real question is whether it's more concern of saving money to the insurance company or expanding health care coverage. That's a question."

Mautino: "Dr. Miller, and I really have to apologize, I can't hear you over the noise in the chamber. So, I'd like to answer your question. I just can't hear ya."

Miller: "The question centers on the fact that this legislation, is there more concern with saving money to employers and to their insurance company or truly talking about expansion of... of ser... of health care services to... to individuals?"

Mautino: "I think the insurance companies are going to sell policies regardless to those who would buy them. My concern is the policies that are out there employers aren't choosing to buy, so less people get covered."

Miller: "So, that's..."

Mautino: "And I... I would say that it's... it's an option so that we can have more companies opt to employ (sic-insure) their people."

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

112th Legislative Day

3/30/2004

Miller: "Okay. So, you're saying be... you feel that it's because of a... expansion of health care. The list that's on our analysis and in other references, where did that list come from? Who created it?"

Mautino: "Ah, what's that?"

Miller: "The list of exclusions that were mandated on your legislation."

Mautino: "Okay."

Miller: "Who created this... this piece of legislation?"

Mautino: "Oh, sure."

Miller: "Earlier, on the first analysis they said mammograms were not gonna be included."

Mautino: "Okay."

Miller: "And then I would... heard that I guess they are included, so it makes me think that somebody put this list together and it's really important to find out whether doctors have put something like this together or it came from the insurance companies."

Mautino: "Oh, okay. I follow. The... the mandates that are in there are the ERISA mandates that have to be in every policy that's offered. That's mental health parity, newborn mothers, minimal health stays, maternity coverage, mastectomy, prosthesis, treatment of complications. Those are the federal ones and those are in there and then in one plan here, you must offer all state mandates and then the other... So, all those things are in every policy, regardless of the level. Then the other list and I think, actually, one of the best lists put out showing all the...

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

112th Legislative Day

3/30/2004

all the mandates came from Planned Parenthood. There... which shows you what the state mandates actually are and you can pick and choose amongst those. This came from a program out of Texas and seems to be workin'."

Miller: "So, what I'm saying... what I'm asking is, is that, did this list... did you just take the federal requirements and just use that as a minimum level of service or did some entity whether it's a group of physicians, the Illinois State Medical Society, the insurance lobby or whoever, decided that these items were gonna be on... on... excluded from any particular policy? What was the negotiation between this? I mean, who..."

Mautino: "Okay."

Miller: "...decided that mammograms were included and who didn't if it wasn't the federal..."

Mautino: "The Federal Government decided which ones had to be in every policy and then the Bill itself requires that an optional coverage of all mandates must be offered. So, there's one in there... It wasn't brought to me by anyone as far as... I mean, that's just what a cafeteria plan is. A cafeteria plan is one where you can pick and choose amongst different levels of coverage to... to design your plan."

Miller: "Okay."

Mautino: "That's just what... what one is."

Miller: "Thank you, Representative Mautino. To the Bill."

Speaker Hannig: "To the Bill."

Miller: "Ya know, when we talk about insurance coverage, let me just say a quick scenario, two quick scenarios that

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

112th Legislative Day

3/30/2004

happened in my office... ya just, in fact, last week. A patient came into my office saying that they had dental coverage and sure enough as we go through they had to give me their insurance card and was committed that they have a particular dental coverage and felt that they could come to my office. And make a long story short, they did... they weren't eligible for the coverage nor did they have dental coverage. So, most of the time people do not know whatever coverage or policy that they have. Another set of circumstances that the legis... that the General Assembly last year passed was in regards to anesthesia as it relates to mentally handicapped children in a hospital setting. Now, the reason this is important and any of us who have disabled children or disabled individuals sometimes in a regular dental setting it's hard to treat those children and they have to be hospitalized. The legislation before indicated that, yes, they can get dental services in a hospital, however, that the anesthesia that is used to put 'em under were not covered. Now, at the time, many of us may not know what type of disabilities or what type of things that may happen to us or our children and so at the face value you can say, well, this isn't important and I'm not gonna include this in and as your dental coverage is or any type of coverage is in a particular plan, but the truth is that it wasn't. It wasn't until this Body passed a fact that it was just fair enough for us to give these... this particular group of citizens an opportunity to have quality health care in this regard. I stran... I stand in strong

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

112th Legislative Day

3/30/2004

opposition to this legislation because most people do not know what's in their particular plan and in fact that when we go against these type of mandates, we're actually lessening the quality of health care for the citizens of Illinois. The true goal, as was mentioned earlier, is not the expansion, there are other plans that we can expand coverage on. We can continue to expand different alternatives of treatment, but the real cost is the cost-savings to the insurance company that still have not heard what we dictated and passed down to the very citizens that we representing here in the State of Illinois. I would urge a strong 'no' vote."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong support of this. I don't know how many times I've stood on the floor of this House and heard Members on both sides express their genuine concern about how many people every month end up being uninsured. We have this Gentleman's Bill up that will give the business community, especially the small business community, an opportunity to keep their rates affordable so they can maintain healthcare for their employees. This is a major Catch-22. This is an answer. It won't be the answer for everybody. But it will be an answer and for those companies that need this legislation this will help keep their doors open. This will help provide healthcare for the working men and women of this state. I rise in strong

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

112th Legislative Day

3/30/2004

opposition and it's time to quit goofing around on this kind of legislation and pass it to the Senate."

Hannig: "Representative Feigenholtz."

Feigenholtz: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Feigenholtz: "Representative Mautino, when the people who were originally working on this Bill were talking about it, it sounded like a very, very interesting concept. Because I do believe that we have an issue with the unin... the uninsured in this state and as you know I think we have a hundred and eighteen Members in here who try their best to close that gap. Sadly, I think this Bill misses the mark. It's not soup yet. And I have some questions for you. Earlier in this debate you started to talk about 'we' and you were talking about cost savings and how many more people were going to opt into this... into these plans because of this wonderful opportunity. Was 'we' the employers, the employees or the insurance companies?"

Mautino: "Would you go ahead... would you repeat that, I apologize? Just can't hear."

Feigenholtz: "Mr. Speaker, could you please bring some order in this chamber?"

Speaker Hannig: "Okay. Could we have a little order, please? Please, a little order."

Mautino: "Thank you, Speaker."

Feigenholtz: "Thank you. Representative Mautino, I think what you're attempting to do here is create a system, from what

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

112th Legislative Day

3/30/2004

you said earlier, that will help more people have insurance coverage. Is that correct?"

Mautino: "Yes."

Feigenholtz: "And you articulated earlier that there was a cost savings involved here and you used the word 'we', but you were not clear on who 'we' was. Was it 'we' the insurance companies are gonna save money, 'we' the employers are going to save money or as this interesting title of the Bill, the Consumer Choice Health Act or is it the consumers who are gonna be saving the money? And where in your Bill does it say the answer to that?"

Mautino: "The 'we' would be the small businesses that drive most of the economy here that would like to offer health insurance for our employees because we spend a lot of time and effort and money training them. We wanna keep them. We want their families, in our case. This year we're a hundred years old."

Feigenholtz: "Who's 'we'?"

Mautino: "'We' is Mautino distributing. This year we're a hundred years old on there. Our drivers are the sons of the previous drivers of the previous drivers, so we want to offer a benefit as a small business. We negotiate a lot of things. We'd like to continue to offer coverage. I say that just as a small business. So, that's what I'm talking about."

Feigenholtz: "Well, but you're being very abstract and I think a little misleading and the Members of this chamber need to

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

112th Legislative Day

3/30/2004

understand a little bit more in a more concrete fashion what the ramifications of this Bill are. Okay?"

Mautino: "Okay. I can do that."

Feigenholtz: "So, why don't we talk dollars and cents. I want to know in the scenario that you have just delivered to this chamber who is going to get the cost savings of this kind of an effort and how?"

Mautino: "The cost savings, okay, let me step back I'll answer full question. Right now, if I chose to self fund premiums on there I don't have to cover any mandates at all. I can just go ahead and design a plan, you know that. Most of my opponents, this Bill doesn't apply to them because they're all self-funded. What I can do in this is right now I'm currently offered two choices of plans. I can have this level plan or I can offer a barebones plan. I won't offer the barebones plan. Now..."

Feigenholtz: "And who pays the difference on that barebones plan? If you get a savings, if your insurance broker says to you the... the bigger plan is going to cost \$500 a month..."

Mautino: "Which is what the... these plans do cost as an average."

Feigenholtz: "And the smaller plan is going to cost a hundred dollars a month."

Mautino: "Okay, under this structure, each of those 54 employees would be one, at the time of application and at the time of issue, offered a policy which has everything. They would also be offered, like we are in our plan, four

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

112th Legislative Day

3/30/2004

or five other plans which would have differing co-pays and deductibles."

Feigenholtz: "And who determines what goes in that plan? The employer, the employee, or the insurance company?"

Mautino: "The employer can choose whatever type of cafeteria plan he wants to offer..."

Feigenholtz: "Okay, that's a very, very important piece of this Bill, Ladies and Gentlemen. Okay? That it is the employer that makes a decision about what benefits go into the package and this is where I think this Bill falls very, very short."

Mautino: "But that's how things are now. I mean, re... realistically, I decide if I'm going to offer health insurance and what the level of that plan is going to be."

Feigenholtz: "Correct."

Mautino: "I can choose this one or I can choose this one. But I can't get a blended rate to save money so I can continue to provide at this level."

Feigenholtz: "However, Representative Mautino, one of the things that is... that is innocuous about this Bill is the work that we have done in this chamber over the last decade or more as a state. Which is we have passed legislation where we have indicated as a Body that we want certain health care coverage for certain items? Is that correct?"

Mautino: "Yes and they're actually in this Bill. Every one of them. Every one of them by law must be offered, must be signed by the employee and employer. Every one of those within this cafeteria plan."

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

112th Legislative Day

3/30/2004

Feigenholtz: "Every state mandate is included in packages in this Bill."

Mautino: "Every... within this Bill, a package, one of the components has to be a full mandated coverage Bill, at the employee option. The employer can't say, you know what I don't want to offer anything that doesn't have... has a lesser amount of mandates."

Feigenholtz: "But what you're doing in this Bill..."

Mautino: "Each employee must be given..."

Feigenholtz: "Right."

Mautino: "...an option. Is that correct? Is that your reading of the Bill?"

Feigenholtz: "So, what you're doing is you're giving the employer an opportunity to shift the cost to the consumer. Is that what this Bill does? Because that's how I read it. Ladies and Gentleman, to the Bill."

Speaker Hannig: "To the Bill."

Feigenholtz: "Many people in this chamber over the last, have... have been here a long time and have seen a lot of legislation that has been based on their constituents walking into their legislative offices and sharing their concerns about what kind of health care coverage their insurance companies do not cover. We have worked long and hard and last year we spent a lot of time working on passing contraceptive equity in the State of Illinois for women in the State of Illinois and 70 people in this chamber supported that Bill. The second thing that's... and if you vote for this Bill, that's gone. It's gone. The

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

112th Legislative Day

3/30/2004

other things that are on here, that are optional, that are women health care specific, are pap smears, mastectomy as far as physicians determining how long the hospital stay is. I know that there are a lot of people in this chamber who worked long and hard on drive-through mastectomies, prenatal HIV testing, alcoholism treatment, colorectal cancer, limitations on organ transplants, prostate screening, mental illness and the... those are just to name a few. But for all of you who are concerned about families, the biggest and the most egregious elimination of... of coverage that we worked on in this General Assembly in 1990 is the Family Building Act which pays for infertility treatments. Now yes, those treatments are very expensive. But we made a choice as a Body that we were going to help families and help couples who are infertile pay for the cost of infertility treatment. This is not inexpensive. But we made a choice that we were going to cover that and I will guarantee you that if this Bill becomes law your constituents will be marching into your office, your infertile families who want to have more children and they are not gonna to be happy that you voted for this. This does nothing but gut the work that this General Assembly has done over... for over a decade. I encourage a 'no' vote on this. I... I appreciate where you're trying to get, Representative Mautino. You've not demonstrated to me any savings to the consumer. And, Mr. Speaker, if this Bill is somehow going to get the requisite number of votes, I would

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

112th Legislative Day

3/30/2004

really like a verification and I would like that request on the record."

Speaker Hannig: "And you'll be granted, Representative. The Gentleman from St. Clair, Representative Holbrook. Representative Holbrook."

Holbrook: "Thank you, Speaker. I move the previous question."

Speaker Hannig: "The Gentleman... the Gentleman's moved that... that the question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the previous question is moved. Representative Parke, for what reason do you rise? We're finished with debate."

Parke: "Thank you, Mr. Speaker. Once a year I misspeak on the floor of the House, this is the one time."

Speaker Hannig: "Okay."

Parke: "I am strongly in support of the legislation."

Speaker Hannig: "I think we... we understood that from the nature of your speech, Representative. But I thank you for clarifying the record and Representative Mautino to close."

Mautino: "Thank you. I appreciate the a... the lively and spirited debate on this issue. In answer to... to some of the statements that have been made, if you, as the employee, want the coverages, they are all there. You must... and the employer has to offer every state mandated coverage. So this is a tool. Where it's been used in the a... in the past in Texas, 20 percent of the people buying these have been previously uncovered people. I think that's phenomenal and it also goes to what we're talking about when we want to bring more people in and get them

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

112th Legislative Day

3/30/2004

health care coverage. As we pass the mandates, many of 'em I have... I agree with. They need to have a program that addresses them and we built it inside this plan. This is the cafeteria plan that your local grade school and high schools have been using for 20 years. This is the plan that a hundred and fifteen of you voted for yesterday, in House Bill 4180. That Bill has the same components. It allows for flexible co-pays, deductible and the choice. We, ourselves, have this plan. Caterpillar, meanor... major manufacturers, ERISA exempt, all can do this. The only people who can't are the people who for the most part pay our salaries. This does not give small business the option to do what everyone of us in this room can do, what everyone of our opponents can do. Actually, this Bill, most of our opponents are ERISA self-funded plans. It doesn't apply to them. So I find that incredible that we would not look for some sort of a solution. This is not the 'end all' and 'be all' to the problem of health care crisis. It is a tool that maybe employers will be willing to cover people they weren't willing to cover in the past because of the cost. Will it be a great cost savings? I don't know. I know that if my premium's 21 thousand... or 22 thousand now and someone adopts a flexible plan that fits their needs, maybe the aggregate premium is 20 or 21, in there. So, with that \$12 thousand savings or whatever it might be on a quarter of a million dollars, I still have the ability to cut the... cut into the rising costs of health care. I mean it just helps me provide for my people. I

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

112th Legislative Day

3/30/2004

want to do that and I want to be able to do what you can do now and what most of the people in this gallery have going for 'em already. Appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Bill 5925 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Joyce. Representative Joyce and Giles, would you like to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 82 voting 'yes' and 30 voting 'no'. There's been a request for a verification by Representative Feigenholtz. She re... withdraws her request for a verification. And this Bill, having received a Constitutional Majority, is hereby declared passed. Repre... Representative Colvin, for what reason do you rise?"

Colvin: "Yes, Mr. Speaker, we've got a... we've got a Page over here who was sent downstairs to get a Coke and he can't remember who gave him the money. So, if you ordered a Coke from this young man over here or you want to buy a Coke, raise your hand. There you go, buddy, go get it."

Speaker Hannig: "Mr. Clerk, would you read House Bill 3996?"

Clerk Mahoney: "House Bill 3996, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Hannig: "Representative Krause."

Krause: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to present House Bill 3996. This legislation will amend the Illinois Clean Indoor Air Act. And if passed would provide that a Home Rule unit or a non-

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

112th Legislative Day

3/30/2004

Home Rule municipality may proceed to regulate smoking in public places. Currently, under this Act, these municipalities are barred from an enacting legislation that would be more restrictive than the State Act. In 1989, the state did enact the Clean Air Act and it only grandfathered in 19 municipalities that would be permitted to enact stronger legislation than the state does. This Bill, if adopted, would now provide that all Home Rule units which are Home Rule municipalities and Home Rule counties, which is Cook as well as non-Home Rule municipalities, would be able to proceed to enact if they wish. Because the language merely reads that they 'may', enact legislation that would provide to regulate smoking in public places. It is discretionary, but it would return the authority back to the local governments to make a decision. I would be pleased to ask... answer any questions."

Speaker Hannig: "And on that question, Representative McGuire."

McGuire: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Some of you will remember this, this is a Bill I've had for the past couple years that we were not too successful with. But I want to congratulate Representative Krause, Representative Hamos and the rest of the Sponsors on this Bill. I will certainly urge your support on this Bill. This Bill does not mandate anything. It does not preempt Home Rule. It does try to clean up an area, no pun intended, for fresh air. Please vote for this Bill. It is a good Bill. And I appreciate your vote. Thank you."

Speaker Hannig: "Representative Flowers."

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

112th Legislative Day

3/30/2004

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

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

Flowers: "Representative Krause, can you explain to me how is 'clean air' defined?"

Krause: "I would have to look back as to what the original statute says which I do not have here. But what this Bill addresses is... is predominately in the air of controlling the use of smoking in public places."

Flowers: "Representative, so if I struggled all of my life to start a small business for me and my family and there's a section there that says 'smoking'. The people, this is a public restaurant, but it's my private business. People have a choice. They have a choice. Ther... there's something about when you go out. There's certain things that you expect at certain places. For instance, when you go to church on Sunday you expect a preacher to preach a sermon. When you go to a bar on Saturday night you expect some music, some dancing and some smoking. And then when you go to a restaurant there's a choice. You can either have a smoking or nonsmoking section or either you can have a choice to go that restaurant or not. So, now this Bill here, you are impeding on my personal business, my private business."

Krause: "But I believe your city already has that choice. I'm not impeding there. What this legis... your city has that choice already, 'cause you were grandfathered in, to make that decision, if your city council wish to do it. What... If I could, Mary... what it does is to provide that a local

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

112th Legislative Day

3/30/2004

city or village may determine if it wishes to enact that law. If your city determined that it does not want to, it will not do so. It will..."

Flowers: "I..."

Krause: "...it will have those hearings now if the city council wish to do so."

Flowers: "But... but, you know, Representative, what I'm trying to figure out is how is... who sets the standards for clean air and when you say indoor clean air, today we're talking about a restaurant. Tomorrow what would it be? And let me just give you an example. Riding down to Springfield last week, I was in my vehicle and there was some smoke some place. I did not see it, but I smelled the smoke. Now, is that a violation? Now, we're talking about indoor clean air and we cannot even make sure that the outdoor air is clean. And then after I passed that smoke, riding further down, there was a pile of garbage and because of all the stuff that was mixed in the garbage, it created it... its own gases and then again up... I'm on the highway and the odor came into my car. So, I'm asking you whom are you trying to protect and what are you trying to protect? And again it appears to me that we're just kind of stepping over the line in regards to people's private businesses. Now when you talk about... if you were talking about a state building or a federal building or a municipal in the city I could understand that. But you're talking about a private business, a private restaurant. You could also say that inside the beauty shops the air is not clean because of the

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

112th Legislative Day

3/30/2004

different chemicals that they use. You could also, you know, in... in the... in the car... at Sears where you go to have your oil changed or some place like that you could say that that indoor air is not clean. Where do we draw the line? And how many people are we gonna put out of businesses? And let me just ask one final question. Across the street is one city, another is over here. There's a ordinance over here that says 'no smoking'. There's another one over here where you can smoke. Don't you think that you're creating a hardship on a small business? And I want to just state for the record I used to be a smoker and I can't stand the smell of smoke now. But so where I know there's smoke I try to stay away. That's just for the record. Thank you."

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

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

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

Black: "Representative, in the original Bill there was some confusion. You didn't define a 'unit of government'. Now I believe in Amendment #2 you do define a 'unit...'"

Krause: "Correct."

Black: "...of government' as a municipality."

Krause: "That is correct."

Black: "And so..."

Krause: "The original..."

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

112th Legislative Day

3/30/2004

Black: "...counties and townships will not be given the opportunity to decide their fate?"

Krause: "Correct. Except for Cook County, which is Home Rule."

Black: "Well, Cook County is always different, right? I don't even go there. Let me ask you a... I'm a confirmed non-smoker as you know and I... I believe that the marketplace should decide this. But the marketplace is reacting perhaps not as quickly as I thought they would on this issue. I... well, let... let me ask you a couple of questions that I've been asked and I can't answer from people back in... in my district. There is a... a tobacco store in my district. A few years ago cigar smoking became very fashionable. They had cigar bars I think in Chicago and there were people in the Senate, I don't think it ever occurred here, but people in the Senate would... would actually light up cigars on the floor of the Senate. But would you be able to operate a tobacco, cigar, pipe tobacco store in a city that had a restrictive ordinance? In other words, I'm... I know one store who let you come in and try pipe tobacco or maybe try a cigar and it's usually in a ventilated room, not... not in the actual store itself."

Krause: "That is correct."

Black: "Will they still be able to do that?"

Krause: "That is correctly put."

Black: "Okay. And it would not prohibit the sale..."

Krause: "Correct."

Black: "...of tobacco products?"

Krause: "That is correct also."

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

112th Legislative Day

3/30/2004

Black: "Home Rule cities already have this power, correct?"

Krause: "No."

Black: "Well, I thought there were 17 cities..."

Krause: "Correct."

Black: "...in Illinois that... that have..."

Krause: "They were grandfathered in."

Black: "...passed more restrictive."

Krause: "Right."

Black: "They were grandfathered?"

Krause: "They were grandfathered in."

Black: "Okay. So, when all is said and done, your idea is to empower local units of government that I assume would know their community well enough. I think that one of the other Representatives brought up the point if you have a number of restaurants with entertainment, a number of bars that offer entertainment, I would assume that local government would know the social mores of their community and would be somewhat careful in... in trying to pass a completely restrictive ordinance."

Krause: "I... I think that point is well-taken. And there really is no place better than at a local board or a local city council to hear everyone within the community and to know what those issues are as they are presented in a number of debates on it and to make that determination for what is best."

Black: "Okay."

Krause: "Really, that is where this issue belongs, so that they can have a full discussion. And after the discussion, in

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

112th Legislative Day

3/30/2004

fact they may proceed or in fact they may not, and determine that it is best not to at that time. But the issue belongs there."

Black: "All right. I... I've never voted for this Bill. I've always thought the marketplace should be the final determination. But I'm gonna listen to the debate. And I don't really know how I'm gonna vote. But there is one comment and I will alienate some of my colleges. I... I don't think it does the General Assembly a great deal of good to pass something like this, if in fact it passes. And people can watch us on the Internet or come to Springfield. I don't know if smoking is still done on the Senate Floor. It was not long ago. Smoking is done back in the men's room and sometimes you go in there at your own peril. There are people who smoke in the Capitol and that is against the Clean Air Indoor Act of the State of Illinois. I would simply think that if this Bill becomes law it would be... would be helpful if the Members of the General Assembly would follow the original Illinois Clean Air Indoor Act as well as abide by the spirit of your Bill, should it become law. I know some people like to smoke and I know that... that's to... to a degree a matter of personal taste. But to those of us who don't and I've joked with... about this for years in the... in the men's restroom, to be subjected to that secondhand smoke gives me a headache. And it... and the headache stays with me all day. And most of you know that when I've had a headache all day and the afternoon drags on, then I get cranky. And when I get

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

112th Legislative Day

3/30/2004

cranky I do things I wish I wouldn't do. So, this may be the answer. But in all due respect to my colleagues, it's hypocritical for us to vote for this if we are not going to follow it in our chamber, in the Capitol Building, in our offices, et cetera. I've said my piece, I feel better. Thank you."

Krause: "I appreciate it."

Speaker Hannig: "Representative Steve Davis."

Davis, S.: "Thank you, Speaker. Would the Sponsor yield?"

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

Davis, S.: "Representative Krause, is there a fiscal note filed on this Bill as to what the fiscal impact is to the State of Illinois?"

Krause: "I can look real quick and see if there was. My understanding is, is that there was no fiscal impact. Let me look."

Davis, S.: "Do you have any idea that..."

Krause: "There's no fiscal note filed."

Davis, S.: "No fiscal notes were requested? No fiscal notes were filed then?"

Krause: "That is correct."

Davis, S.: "Is that correct? Okay."

Krause: "I... I did not file that."

Davis, S.: "Do... do you have an estimate? I'm just curious because I'm looking at a... a cheat sheet here from the Illinois Licensed and Beverage Association and they're certainly opposed to the Bill. But they claim that the passage of a smoking ban would cause a 25 percent average

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

112th Legislative Day

3/30/2004

annual loss in sales tax revenue from eating and drinking establishments in municipalities that... that would pass a smoking ban. Do you agree with that or would you dispute that figure?"

Krause: "I think that is an issue that would be determined by the local city council. And if in their determ... cause what this Bill does as you know is to return back to our cities and villages their authority to have hearings on this issue. Would not that organization then at that hearing make a presentation as well as those on the other side on the issue of public health, secondhand smoke as to the negative effect that that is having? And what is the cost in society of the loss of work and a number of other issues? And that is what would be determined at that issue. It is not merely the consumption of the tobacco but also its effect upon society which could be best determined at the local level."

Davis, S.: "Well, I would have to respectfully disagree with that. And I think it was mentioned earlier possibly by Representative Flowers, that... you know, these are local establishments with private business owners that own these establishments and nobody is making anybody go into them to eat or drink or do whatever they want. But yet, we're going to allow local governments to determine whether an establishment can or cannot have smokers in their own building, in their own establishment, an establishment that they paid for, that they rent, they lease or they bought. I have to be opposed to that. I think that there's no

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

112th Legislative Day

3/30/2004

proof. Now do you have any proof that there... that secondhand smoke causes cancer or causes harm that... Have there been lawsuits filed or won on this issue? Do you have any information to that effect?"

Krause: "Let... let me read to you from Philip Morris. 'Philip Morris USA believes that the public should be guided by the conclusion of public health officials regarding the health effects of secondhand smoke. We believe the conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures to regulate smoking in public places.' This is from their health issue as of March 4, 2004. Yes, there is evidence of the negative effect of smoking and the loss that we have in a society of dollars and Philip Morris says it."

Davis, S.: "Are you aware of a study that... that was done by UCLA that evaluated more than hundred thousand people and the conclusion of the study... and of the results of the study came out and they did not... the study did not support a casual relationship between secondhand smoke and tobacco-related mortality? Are you aware at all of that study?"

Krause: "Yeah. But... but in committee sort a that was rejected 'cause it was funded by the tobacco committee and that much weight is never placed on a study."

Davis, S.: "How about a study that was done over in Britain? It was published in the British Medical Journal. The study used... American Cancer Society data tracking 3 thou... 35,561 Californians over 39 years and concluded the results do not

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

112th Legislative Day

3/30/2004

support a casual relationship between environmental tobacco smoke and tobacco-related mortality."

Krause: "Sir, all I can do is to go back... first of all, I think it has been established without a doubt. In the health care fields of the effect of secondhand smoking that has been established, I go back to Philip Morris' statement on... secondhand smoking that con... conclusions of public health officials concerning environmental tobacco smoke are sufficient conclusions to warrant measures to regulate smoking."

Davis, S.: "Does the EPA have indoor standards?"

Krause: "I would..."

Davis, S.: "Do they ha... have... have they come up with a list of indoor standards for secondhand smoke?"

Krause: "That I would have to defer to them. I don't have that information here."

Davis, S.: "Okay."

Krause: "The medical profession certainly does. That has been so well established."

Davis, S.: "Thank you very much, Representative Krause. To the Bill."

Speaker Hannig: "To the Bill."

Davis, S.: "Ladies and Gentlemen of the House. I rise in opposition to this Bill. I think... I think that what we are doing is putting mandates on local business owners. I can tell you that the Hotel and Restaurant Association, the Illinois Licensed Beverage Association and the Illinois

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

112th Legislative Day

3/30/2004

Retail Merchants are in strong opposition to this Bill.

And I would urge a 'no' vote. Thank you."

Speaker Hannig: "Representative Mathias."

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

Speaker Hannig: "To the Bill... to the Bill."

Mathias: "I rise in strong support of House Bill 3996. There are many arguments that we've heard today, both in favor of the Bill and opposed to the Bill. And also, arguments in favor and opposed to whether or not we should have smoking in... in our restaurants throughout the state. But I think this Bill doesn't really address that. This is not a Bill to ban smoking throughout the state. This Bill is a local control issue. This Bill is there to let our local residents determine for themselves by having hearings in our various village halls to determine what's best for their own community. And, in fact, the person who came down here to testify on behalf of the Bill was a trustee from Arlington Heights. Arlington Heights was one of those few communities that had the right to do this under the previous law and after much debate they turned it down. That was their local choice. All this Bill does is give communities their local choice to hear the arguments on both sides. And there are good arguments on both sides. And decide what's best for their local community. So I urge an 'aye' vote on this Bill. Thank you."

Speaker Hannig: "Rep... Representative Steve Davis, you've spoken in debate. For what reason do you rise?"

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

112th Legislative Day

3/30/2004

Davis, S.: "Yes. Thank you, Speaker. Should this Bill receive the requisite number of votes I would ask to... for a verification."

Speaker Hannig: "Okay. And you will be recognized for that purpose, Representative. Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I also rise in strong support. I think many of the points have been made. Let's remember that the world was a very different place 15 years ago when this... when this law was put on the books. We didn't know as much about tobacco use. We didn't know as much about secondhand smoke. We didn't know about anything. And there wasn't a whole movement at that point to really take a look at what are reasonable ways to regulate smoking. What this Bill really does is to allow municipalities to do that in the name of public health for their own communities and I urge an 'aye' vote."

Speaker Hannig: "Representative Mike Smith is recognized."

Smith: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Gentleman moves that the main question be put. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the main question is put. And Representative Krause to close."

Krause: "Thank you, Mr. Speaker and Ladies and Gentlemen. I... I appreciate the comments. I fully understand the... the issues that have been raised. But let us recall what the importance is of the municipalities that each and every one of us represent. And most of them do not have the authority at this day to take a good look at the public

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

112th Legislative Day

3/30/2004

health issues that are affecting all of us. The City of Chicago has that power. Let us pass it on to others. Let us also remember that when we settled the tobacco settlement we had many more funding that was able to be to giv... to be given into the public health field. We do not have that public funding today. But we should be able to permit our local municipalities to have a discussion and let them determine if they wish to or do not. I ask for your support. I ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall House Bill 3996 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There's been a request for a verification so it... all please vote who wish. Mr. Clerk, take the record. On this question, there are 59 voting 'yes' and 52 voting 'no'. Would you like to put the Bill on Postponed Consideration? Okay. Representative Krause."

Krause: "I... I appreciate everyone's efforts. But I think this time I attained as many as I'm going to get and I think it should be brought back another day. I thank everyone for their support."

Speaker Hannig: "Okay. So on this question, there 59 voting 'yes', 52 voting 'no'. This Bill is declared lost. Representative Slone, for what reason do you rise?"

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to introduce to you today the Peoria Central Lions. The second year in a row Class AA

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

112th Legislative Day

3/30/2004

Champions, basketball champions. Please stand. There principal Otto Geist, coach Chuck Buescher, assistant coach Dan Ruffin and Chuck Westendorf and Sue Sargent who is with the cheerleaders. Thank you for being here."

Speaker Hannig: "Mr. Clerk, would you read House Bill 4475?"

Clerk Mahoney: "House Bill 4475, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Hannig: "Representative McGuire"

McGuire: "Thank you, Mr. Speaker. House Bill 4475 we amended yesterday. And I will tell you the same thing that I told you yesterday. The Amendment rewrites and simplifies the provisions relating to the three new special funds: the Alzheimer's Disease Center Clinical Fund, the Alzheimer's Disease Center Expanded Clinical Fund and the Alzheimer's Disease Independent Clinical Fund so that special methodology governing payments to the centers will be further defined by administrative rules by the Department of Public Aid. And for everybody, that's it. I'll try to answer any questions. I'd appreciate your 'aye' vote. Thank you."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Brauer, do you wish to be recorded? Mr. Clerk, take the record. On this question, there 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this

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

112th Legislative Day

3/30/2004

Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4825."

Clerk Mahoney: "House Bill 4825, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. House Bill 4825 is the DNA fingerprint analysis Bill. As we all know, fingerprinting is an extremely useful identification tool when someone is arrested for any crime. Law enforcement keeps a database with these fingerprints whether a person is convicted or not. DNA is simply the fingerprint of the 21st century. House Bill 4825 will expand the use of this DNA identification technology which is currently used on convicted felons to include anyone who's arrested for a felony. By doing so, Illinois will be poised to lead the nation in the solid identification of criminals. But perhaps even more importantly, the exoneration of the innocent. The DNA sample will consist of a sample of the arrestee's saliva or tissue taken at the time of booking and will be subject to the Illinois State Police's rules and regulations for collection, storage and processing. I'd encourage all of my forward thinking colleagues that this is a matter which should command your favorable consideration. And Mr. Speaker, I... I reserve the right to close and would be happy to answer any questions."

Speaker Hannig: "Representative Millner."

Millner: "Thank you, Mr. Speaker. I, too, stand in strong support of this Bill. This is the fingerprint of the 21st

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

112th Legislative Day

3/30/2004

century. It is more accurate than our actual fingerprint that we have today. Not only will we be able to go after our criminals, but we will be able to exonerate those who have may have been placed in a position they shouldn't have been placed in initially. I stand in support of the Bill. Thank you."

Speaker Hannig: "Representative Dunkin."

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

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

Dunkin: "Okay. Representative, does this Bill require that you are have... that you are actually arrested or is this just for questioning for your DNA can be sampled?"

Mendoza: "That's a good question. It's for arrested individuals. So, it'd be part of the booking process. Just like if we're going to take your picture, your mug shot, then we do the fingerprints. This would be incorporated into the actual booking process for anyone who is arrested."

Dunkin: "Thank you."

Mendoza: "Sure. Thank you."

Speaker Hannig: "Representative Lindner. Any further discussion? Then Representative... Representative Monique Davis."

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

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

Davis, M.: "Representative, if a person is arrested for a felony you're asking that his DNA be taken and stored, is that correct?"

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

112th Legislative Day

3/30/2004

Mendoza: "Yes. We will be taking a sample of the DNA from the individual who is arrested for a felony."

Davis, M.: "So, this is before the person is even found guilty of anything?"

Mendoza: "This would be exactly the same as what we do now. Before a person is found guilty, when they are arrested they are put through a booking process which takes their mug shot..."

Davis, M.: "So, in other words..."

Mendoza: "...and the fingerprint. So, it's... it would be consistent with the booking process, Representative."

Davis, M.: "In other words, if someone walked into this Body and picked any one of us and accused us of a crime they could decide at that very moment that our DNA would be taken?"

Mendoza: "Any person who is arrested for a felony will be subject to a DNA swab."

Davis, M.: "So, then we're saying that even if we're not guilty of what we were arrested for, say you're found not guilty, you have DNA stored with the State Police, is that correct?"

Mendoza: "Yes. Representative, it's exactly the same as what we do for fingerprinting right now. So, we do keep your fingerprints on file whether or not you are found guilty. And this would just simply be consistent as the 21st century fingerprint. And that we would also keep you on file whether or not you are found guilty."

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

112th Legislative Day

3/30/2004

Davis, M.: "So, what would be the purpose of keeping a person who is erroneously arrested for a felony? What would be the purpose of keeping their DNA?"

Mendoza: "Well, the great thing about this Bill is that, for example, we have heard time and time again of people who have been erroneously or wrongfully convicted of a crime, arrested and convicted of a crime. And who have been trying for years and years and years to have their DNA tested, have had to appeal the courts. They've had to argue for permission to have their DNA sample taken. If we were to incorporate this into the booking process we would know that a person is... has been erroneously arrested and we'd know this in day five versus year five or year fifteen. This tool is very effective not only in solving crimes, in particular sex offenses, but it is just as important in terms of exonerating people who are innocent of a crime that they say they did not commit."

Davis, M.: "But there's nothing in your Bill that states that this DNA that's collected would be used to exonerate."

Mendoza: "Oh, yes, Representative, the Bill clearly states that the DNA would be... the only people that would have access to it is the law enforcement agency as well as the defendant. So a defendant would immediately be able to say, hey, look I want access to my DNA evidence, which right now they don't have the right to do that."

Davis, M.: "You know, Representative, if you find... let me ask you this question. If you find that a number of people are arrested and charged with crimes and very frequently this

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

112th Legislative Day

3/30/2004

particular group of people is found to be innocent of crimes then what it appears to me that your legislation will do is say, well, you might not of done this but I know you did something. So, since I have your DNA I'm gonna find out what you really did do. You know..."

Mendoza: "Well, Representative, to the same extent though, maybe you're right. Maybe the person's not guilty of the crime that they were charged with, but I think that most Members of this Body would agree that if there's a hit, let's say for a sex offense, that we had no idea occurred and now we can solve that crime, that's a good thing. That's a benefit for the people of Illinois that individuals will be able to be tied directly to crimes that they committed just the same way that they may be able to be excluded from a suspect pool because of that DNA. So, it works on both sides. It will, hopefully, allow us to solve some outstanding crimes that are out there. But will also allow people who have been wrongly picked up to be found not guilty.

Davis, M.: "So, in a way you're saying that even though I may know you're innocent, I want to check your DNA. I know you're innocent, but I want to check your DNA against some other stuff so I can charge you with the felony, get your DNA and then you're released."

Mendoza: "The... the only people that would have access to that DNA file, again, is law enforcement and defendant. So, I think that in terms of what the Bill is trying to accomplish, it's to make sure that we can use the

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

112th Legislative Day

3/30/2004

technology that we have available right now which is DNA, which is much more specific. It's... it's... it's a better tool of identification..."

Davis, M.: "Had you ever..."

Mendoza: "...it's proof positive..."

Davis, M.: "...did you ever..."

Mendoza: "...we should be... we should be looking I think..."

Davis, M.: "...did you ever consider all Americans just go and sign up to have their DNA taken and stored some place? Did you ever consider that?"

Mendoza: "Well, Representative, maybe you can introduce a Bill if you really like the idea. But I... I think in terms of this Bill..."

Davis, M.: "I... I just kind of think it's un-American. So, I wouldn't be introducing that Bill."

Mendoza: "Right. I appreciate... I appreciate your... your opinion, Representative, but that's not the Bill that I'm introducing. I'm introducing a very specific Bill that will help law enforcement have a tool for identification. And will also be helping these people who are not guilty..."

Davis, M.: "Let me ask you this."

Mendoza: "...of crimes for which they're incarcerated."

Davis, M.: "Repre... Representative, do you see any violation of one's civil rights by mandating that an innocent individual have to give his or her DNA? Do you see an erosion of an innocent person's rights? Representative Burke, I'm talking to Mendoza."

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

112th Legislative Day

3/30/2004

Mendoza: "No. Representative, I do not see any violation of civil rights. I don't see one when we take a person's picture whether they're guilty or not. I don't see one when we fingerprint people whether they're guilty or not. And I certainly don't see one to the same extent using those analogies with the 21st century fingerprint which is DNA technology. So, no, I think it's very consistent. And we've been very careful to implement and write this Bill in a way that makes the DNA sample equivalent and very consistent with fingerprint samples."

Davis, M.: "Where... where does it say in your Bill that a person can use that DNA to prove his or her innocence?"

Mendoza: "There... there is a... well, Representative, in terms of... here, clarify your question a little bit for me again. At any point, you mean?"

Davis, M.: "I said where in your legislation, what line, what page does it state that a person can use this DNA swab that's been saved to prove his or her innocence?"

Mendoza: "I'm looking for it right now, the actual line."

Davis, M.: "Hey..."

Mendoza: "Representative, the Bill specifies and if you... do you have it? I mean, can you pull it up so that we can look at this?"

Davis, M.: "I've got it. It's here."

Mendoza: "Okay. That... this is done in the booking procedure. So, right away we would know if the person is guilty of the crime that they're supposedly being linked to because we'd be able to run that DNA right away..."

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

112th Legislative Day

3/30/2004

Davis, M.: "Guilty or innocent."

Mendoza: "...right, that's what I mean. Exactly. So..."

Davis, M.: "Representative..."

Mendoza: "...if I'm... if I'm picked up for a crime I did not
commit..."

Davis, M.: "...Representative..."

Mendoza: "...and I have DNA..."

Davis, M.: "Okay. Men..."

Mendoza: "...and they have me on file, they'd know right away in
five hours or five days that it wasn't me versus waiting
five years or fifteen of my life that's been taken away
from me because they didn't want to test my DNA or because
they didn't have this procedure in place. So, this without
a doubt is just as beneficial at... to the person who's been
arrested as it would be to law enforcement for
identification. It's exactly the same as a fingerprint.
So, again, if our argument here is whether they're innocent
or guilty, we do this now for the fingerprinting and we do
this now for your mug shot. And it's the exact same thing.
It's just one more identification tool that really is more
accurate than a picture or even a fingerprint."

Davis, M.: "Representative, what will the cost be to collect
DNA from every person arrested for a felony and not
convicted of that felony? What will the cost be to get
that DNA and to store that DNA?"

Mendoza: "Well, Representative, right now, the estimates that
we've received are around a million dollars and we're
working out the apropi... so the Bill is subject to

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

112th Legislative Day

3/30/2004

appropriation with the starting date of no later than 2007. And we're working with the Illinois State Police in making sure that this is something they feel is valuable as do so many other law enforcement agencies."

Davis, M.: "So, it will be a million dollars to collect the DNA?"

Mendoza: "No. It's a million dollar total because we already have the DNA Bill enacted that we passed last Session that dealt with doing it for convicted felons. So, this is not creating an entirely new system. It's just adding people into that pool. And the more people we have into the pool, the better. And the more concrete that evidence will be in long run."

Davis, M.: "Representative, please don't misunderstand. I do understand that you would like to have a DNA sample of anyone who's ever accused of a felony."

Mendoza: "Anyone who's arrested."

Davis, M.: "Whether that... whether that person is guilty or not if there is an arrest, if there are questions to be asked then you would like to be able to take that DNA sample of the accused person. Will this DNA sample be destroyed if the person is found innocent?"

Mendoza: "That's a good question. No. It very similar to fingerprints and mug shots. The DNA..."

Davis, M.: "So, in other words you..."

Mendoza: "...let me answer the question, Representative."

Davis, M.: "...you want a record... you want a record of everyone's DNA in our state. Is that right?"

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

112th Legislative Day

3/30/2004

Mendoza: "I want the record of anyone who's been arrested of a felony. And let me just answer the question. So, if you..."

Davis, M.: "How... do you know how many people are arrested for felonies and not found guilty in this state?"

Mendoza: "And I also know how many people are arrested for any crime and whose fingerprints stay on file and this stays consistent with that. And let me just clarify, though, that we did just adopt an Amendment that would keep the DNA fingerprinting law consistent with regular fingerprinting law for expungement. So, if I can right now expunge my fingerprints from my file, because I expunged my record, I get my card back, the fingerprints are removed. It would be exactly consistent with what we're doing with DNA. So, if it's good for fingerprints, then it's good for DNA and that was a suggestion that was brought up by some of the Members in this House. So, I think we're being extremely careful to keep DNA specific to the same things we're doing in the booking process for mug shots and fingerprints. And we know that those are extremely valuable tools in identifying people and keeping our society safe. And I think that DNA is going to prove, like I said, that it's just one more tool in this arsenal that we have for identifying people."

Davis, M.: "Are fingerprints kept as a federal program?"

Mendoza: "Yes, Representative."

Davis, M.: "Would... would this DNA be a state or a federal program?"

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

112th Legislative Day

3/30/2004

Mendoza: "Well, right now, it would be a state program and if and when they're... the federal program would merge the two databases, that is allowable. So, we're keeping it exactly. What we do for fingerpri... fingerprints is the same thing we'd be doing now with DNA."

Davis, M.: "But... but the fingerprints are federal. In other words you can contact the Federal Government and get fingerprint matches."

Mendoza: "Right."

Davis, M.: "But you will not be able to do that with a DNA sample? Is that correct?"

Mendoza: "Right now the... not every state has this set up. So, as we move forward and other states look to Illinois to adopt great legislation like this, we'll see more of that. And then eventually we will have a nationwide system that would be..."

Davis, M.: "But don't you think it's dangerous to set up two different systems where you may decide I'm gonna check this guy's DNA and somebody else says we want to check his fingerprints? You know, what I'm saying?"

Mendoza: "Well, this is just one more additional effort Representative. I... I don't think that... you know, I think we have trust that..."

Davis, M.: "To the Bill. Thank you, Representative."

Mendoza: "Thank you."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

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

112th Legislative Day

3/30/2004

Davis, M.: "First of all I recognize this Legislator's attempt let's say to further find people who have committed crimes and to perhaps see that they are adjudicated properly. But because I'm a Legislator in this Body I feel compelled... I feel compelled to recognize that we do not want to criminalize people in the State of Illinois. Under many investigative tools people are part of an arrest. It's used to interrogate and it's used to further investigate a crime. But to decide that all of these people who are often arrested, never formerly charged and go through the entire process, never found guilty of a crime, to decide that we're now gonna collect and hold your DNA is extremely un-American. The Federal Government currently has a system of fingerprinting people who are in the service. Will we be getting DNA from all people in the service? The Federal Government has a system in which anybody in any state can partake of that tool. In my opinion, it is grossly expensive, extremely expensive and could even lead to police arresting you for one felony simply because they want your DNA. They know that you don't have to be found guilty. They know that that's not required. But I just want your DNA on file. There's something extremely un-American about that. Now do we want criminals caught? Yes, we do. Are we doing a good job of that? I believe we are. Crime is down in this state and in our country crime is down. I do not believe that adding the burden... adding the burden and the cost of collecting DNA samples from every individual who is accused and that's what we're

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

112th Legislative Day

3/30/2004

talking about, people who are accused. Now surely, surely, if a felony has been convicted... committed, surely, if you are found to have committed that felony then your DNA should be on file. But if you're an innocent person and we know this has happened in our state over and over and over again, then you should not be subjected to having to giving DNA to a police authority. This is still America and we do not want to criminalize every American in the State of Illinois. We do not want to say to every individual I know how to get your DNA, all I have to do is accuse you of a felony. Your intentions may be good and noble. The result will be extremely expensive. And I'm not sure that the State of Illinois is ready to use DNA rather than fingerprints that are used by the Federal Government. DNA is a good tool. It is a new technology. It is continually to be developed. But to take DNA from an innocent person, a person who has not been found guilty is very un-American. I urge a 'no' vote."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I'd like to move the previous question."

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the main question is put. Representative Mendoza to close."

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is very simple. Right now, we have a

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

112th Legislative Day

3/30/2004

great process in place that has held true for many, many, many years. Mug shot, fingerprint, now this is one more tool in that which is the DNA which is the most specific fingerprint we can have. Now, Ladies and Gentlemen, there... we're talking about making sure that we make sure that the right person is behind bars. That those who are out there who maybe have gotten away with crimes that we don't know about and if we're lucky enough to have a hit on a system, that's a great thing. Let's solve those crimes. But also, if I'm the person who's behind bars for a crime that I did not commit, my god, I certainly do want to make sure that that DNA evidence is out there so that I can prove my innocence. Now we talked about cost, let me just talk about what's that cost of spending five or ten or fifteen years of your life in jail for a crime that you did not commit plus let's talk about the payouts that we've had to pay time and time again for erroneous convictions. A million dollars a year is nothing compared to what we've already spent on moral injustices and economic payouts. So, I think, Ladies and Gentlemen, I want to thank this Body for the overwhelming support that I've received in cosponsors and would just ask for a favorable vote. Thank you."

Speaker Hannig: "The question is, 'Shall House Bill 4825 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Fritchey and Pritchard. Okay. Mr. Clerk, take the record. On this

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

112th Legislative Day

3/30/2004

question, there are 102 voting 'yes', 11 voting 'no' and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4167."

Clerk Mahoney: "House Bill 4167, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Mr. Speaker, House Bill 4167, requires that students continue to receive daily physical education. It updates the statutory definition of... of physical education. And I can answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Representative Krause, do you wish to be recorded? Mr. Clerk, take the record. On this question, there 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4058. Representative Brady, for what reason do you rise?"

Brady: "A point of personal privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Brady: "I'd like my House colleagues to join me in welcoming to Springfield from the Normal Township Senior Center representing Bloomington/Normal area up in the gallery with us today. If you ladies and gentlemen will please stand, and welcome to Springfield."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4058, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Hannig: "Representative Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill dealing with the issues of soft drinks as a... as it relates to... access to children in schools. The Bill has been shelled. I plan to continue to work with Leader Cross and other individuals. So we want to move this to Senate to keep the language open. I ask for a favorable vote."

Speaker Hannig: "And on that question, Representative Parke."

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

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

Parke: "Representative, I understand you've shelled this Bill? Is that correct?"

Miller: "That's correct."

Parke: "And you're gonna send it to the Senate?"

Miller: "Correct."

Parke: "And the only purpose of which this Bill will be used is this issue? Is that your commitment to us?"

Miller: "That it's... yeah, that's my understanding. Working with Leader Cross and myself and other interested bodies we wanted to come up with some language that is agreeable or that at least we can work on, some more time to work on this issue as it goes to the Senate and... and possibly back here for a concurrence."

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

112th Legislative Day

3/30/2004

Parke: "Well, what I'm trying to say is if they amend something in the Senate that's not related to this, I want your commitment that you won't call the Bill. This is... your agreement is that it's only gonna deal with this subject matter and that's what we want it to be and is that your agreement?"

Miller: "I... I believe... I believe... I'd have to hold the people who wish to work with this... to the commitment. As far as I know there is no other..."

Parke: "The people, I'm talking about you, Representative, you're the Sponsor."

Miller: "As far as I know, I... you know, as far as I know I... I would agree with it to the fact that it's just dealing with soft drinks as it relates to children in school. But working with..."

Parke: "All I want you to tell me if there's something else on this Bill that you do not agree to, that this Bill will not be called for a final vote. If the agreement is... this is all it is, I want you to tell the Senate Sponsor that's your commitment to it and that you will... and that's the only way you want it to come back to us."

Miller: "But in... in terms of relating it to soft drinks issues in schools then I can make that commitment that's what I want it to do... to..."

Parke: "Thank you, that's what we want to hear."

Miller: "All right."

Parke: "Thank you."

Speaker Hannig: "And on this shell Bill, Representative Lang."

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

112th Legislative Day

3/30/2004

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

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

Lang: "It's just a quick question, Mr. Speaker, honest. Representative, your original Bill prohibits soft drinks in schools and you say you want to continue to work on this issue, but can you give us some general direction where you're going?"

Miller: "Sure. There was some discussion on... on what was the definition of soft drinks. There was some discussion on who it would apply to. There was some... for instance some home school children or... ins... schools that if... if this was... put in place, that basically the kids wouldn't be there. So, it's various issues like that. We wanted to continue to meet with the soft drink industry. But also like you said, with the House Republican staff was interested very much in this issue and so those are the issues that we wanted to work out."

Lang: "Will it still be your intention in the end to be mandating to schools what they can and can't sell in their own cafeterias?"

Miller: "Well, I think at the end..."

Lang: "Have... have a can of Pepsi there, Representative."

Miller: "Well, as long as it's not accessed during children... for school children. But I think in the end my intention is to say to limit access. And I think that's the underlying discussion on this Bill, to have some sense of why... why should a second grader be able to drink a soda pop... you know, that doesn't have high nutritional value,

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

112th Legislative Day

3/30/2004

you know, at any time during the course of the day. I'm sure if given the option would you rather have your child have... a carton of milk or... or a soda beverage. I'm sure you'd go with that. So, that's the intention."

Lang: "But just so I understand, in the end no matter what changes you make, no matter what negotiation, you're gonna come back to us with a Bill that is gonna take local control away from schools on at least this narrow issue? Is that right?"

Miller: "No... no, many issues there... there is... there creates a higher sense of public awareness. As we've heard over in times of this General Assembly issues regarding obesity. From my background and my profession it's used regarding dental care and health care. And so, when you... when you talk about local control I think that's just a... an issue which you'll start to get into saying there's a better gru... good of people and then there's a... there's a greater good in which it's the public health of our children."

Lang: "Thank you. To the Bill."

Speaker Hannig: "To the shell Bill."

Lang: "Well, I normally wouldn't vote against one of my colleague's shell Bills but I... I... I don't want to be on this floor voting to tell our local school districts what they should be doing in their own cafeteria. So, I, for myself, am gonna be voting 'no'."

Speaker Hannig: "Representative Daniels."

Daniels: "Mr. Speaker, I may have a potential conflict of interest on this Bill, and I vote 'present'."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Thank you, Representative Daniels.
Representative Molaro on the shell Bill."

Molaro: "Yeah, well... I... well... maybe I have a wrong definition
of a shell Bill. Now, we've got conflict interest, we got
so many... is there language here that... that the Speaker's
desk is..."

Speaker Hannig: "..."

Molaro: "...hiding or something? Is there... I mean do you have
language in this Bill or is this actually a shell Bill?
So, there's no language? Okay."

Miller: "... it was a shell Bill."

Molaro: "I just wanted to make that you're... and the Speaker
said you have a shell Bill, you haven't agreed to it, let's
just pass shell Bills so we can see where we're at. And if
there is language, isn't it still the rule that it's gotta
come here... back here to be voted on?"

Miller: "Well..."

Molaro: "Is that the rule?"

Miller: "...last I checked that was the..."

Molaro: "Okay, good."

Miller: "...general procedure of the General Assembly."

Speaker Hannig: "Representative Miller, to close."

Miller: "I'd ask for a favorable vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All
in favor vote 'aye'; opposed 'nay'. The voting is open.
Have all voted who wish? Have all voted who wish? Have
all voted who wish? Representative Monique Davis and
Representative Joyce, would you care to record yourself?"

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

112th Legislative Day

3/30/2004

Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 28 voting 'yes', 73 voting 'no', 13 voting 'present'. And the Bill fails. Mr. Clerk, would you read House Bill 3985."

Clerk Mahoney: "House Bill 3985, a Bill for an Act concerning property. Third Reading of this House Bill."

Speaker Hannig: "Representative Molaro."

Molaro: "I just hope... I'm gonna present this Bill, but we're voting 'no' on shell Bills. I hope that it's not..."

Speaker Hannig: "How'd you vote, Representative?"

Molaro: "Well, I guess it was. Anyway, to the Bill. This Bill was a... 3985. Okay. Oh, 3985 has been brought by the University of Illinois. What the University of Il... Okay. Let's start all over. 3985 was pulled out of the record last week. We're gonna have a vote on it and Representative Franks had a little problem with the language. Me and him talked and it turns out that the language in the Bill is correct and it does do what we're trying to do. It's for the Cook County ass... Cook County tax buyers. When you go in and you buy... somebody doesn't pay their taxes, you bid some interest. So, when you buy the taxes they have to come back. When there's an auction, there used to be two or three auctioneers, now there's about a hundred or two hundred people. And sometimes when you get to, say 11 percent, two people would yell 11 percent at the same time and the auctioneer didn't know who to pick. This allows the auctioneer... it allows... gives them

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

112th Legislative Day

3/30/2004

the authority to pick one of the two when they yell it at the same time. And that's what the Bill does."

Speaker Hannig: "Is there any discussion? And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 1 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 4424. Representative Osterman."

Clerk Mahoney: "House Bill 4424, a Bill for an Act concerning sexual assault. Third Reading of this House Bill."

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

Osterman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4424 seeks to address the backlog in the sexual assault DNA evidence with the State Police. Legislation amends the Sexual Assault Survivors Emergency Treatment Act and the Unified Code of Corrections. The legislation requires State Police to test and analyze all previously collected sexual assault DNA evidence within the next two years. It also requires that future sexual assault DNA evidence be tested and analyzed by State Police within one year of the receipt of the evidence. Additionally, a code... it codifies current department practice on how such evidence may be used and the quality standards by which evidence shall be handled and tested.

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

112th Legislative Day

3/30/2004

This is supported by numerous law enforcement agencies. There are no opponents. And I ask for an 'aye' vote."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Dugan and Reitz. Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4057. Representative McAuliffe."

Clerk Mahoney: "House Bill 4057, a Bill for an Act concerning asbestos abatement. Third Reading of this House Bill."

Speaker Hannig: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have House Bill 4057 which require licensure through the Department of Public Health to enact asbestos consultants. They, along with asbestos abatement contractors, supervisors, project designers, asbestos workers and inspectors, are already licensed. And this would just bring them into code and make the process a lot simpler and a lot safer. And I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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

112th Legislative Day

3/30/2004

Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4092. Representative Ryg."

Clerk Mahoney: "House Bill 4092, a Bill for an Act concerning mental health. Third Reading of this House Bill."

Speaker Hannig: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker and Members of the House. House Bill 4092 is an effort to maximize federal match for mental health services and enhance cost effective delivery. And requires data on how and where clients are served. It compliments legislation that was passed last spring and is now being implemented by the Department of Human Services to compile a cross disability database of Illinois residents who are potential beneficiaries of community-based services. While the cross disability database included persons with mental illness, the law did not adequately address collection of data from all inpatient mental health facilities. Data is currently collected from state hospitals and facilities, but not private mental health facilities. House Bill 4092 outlines data to be collected, provides that the Department of Human Services will provide technical assistance for electronic collection and dissemination of the data, insures compliance with the Mental Health and Developmental Disabilities Confidentiality Act and authorizes a multi-agency work group to insure coordination and avoid duplicate reporting.

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

112th Legislative Day

3/30/2004

This Bill was negotiated and agreed to. I know of no opposition. And I request an 'aye' vote."

Speaker Hannig: "And on that question, Representative Mulligan. Representative Rosemary Mulligan is recognized. No? Do you wish to speak?"

Mulligan: "Yes."

Speaker Hannig: "Yes."

Mulligan: "I thought you'd called someone else. I'm sorry. Thank you, Mr. Speaker. Will the Sponsor yield?"

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

Mulligan: "Representative, the way this data is collected will there be no identifying marks as to the individual the data is about?"

Ryg: "It will comply with the Confidentiality Act, so whatever that requires."

Mulligan: "So, even by number or code you would not be able to recognize who the person is that you're giving the statistics on?"

Ryg: "It's my understanding that they'll develop the procedures to insure confidentiality."

Mulligan: "And then who would they give this information to?"

Ryg: "They will submit an annual report on the private facilities similar to the report that's provided on state-operated facilities."

Mulligan: "And would people have to pay for that or would they be able to get it for free?"

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

112th Legislative Day

3/30/2004

Ryg: "It will be distributed the same way it is now. I'm not sure if it's something that people pay for, I believe it's a report that's made available."

Mulligan: "All right. Thank you."

Speaker Hannig: "Is there any further discussion. Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Would Representative Dugan wish to vote? Representative Dugan. Okay. On this question, Mr. Clerk, take the record. And there are... on this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 6633. Representative Howard, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Howard: "Today we are honored with about 200 visitors from the International Association of Fire Fighters and the Associated Fire Fighters of Illinois. Two of those very fine people from my district are here today, Michael Ball and Michael Flanagan. Please help me to welcome them."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 6633, a Bill for an Act concerning horses. Third Reading of this House Bill."

Speaker Hannig: "Representative Molaro."

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

112th Legislative Day

3/30/2004

Molaro: "Thank you. As you recall, we debated for almost an hour the horse slaughter Bill, but the Illinois General Assembly has spoken. I put that Bill on Postponed Consideration, but I'm making a commitment here that I will not be recalling that Bill this week, this Session. So... so that Bill is gone from the General Assembly. I... I see people clapping, I don't blame them. But one of the reasons was, as you recall when I first called that Bill and first brought it up I just thought it was something that the General Assembly should hear about, know about. And they did and they spoke and that's the end of that Bill. However, while we were debating that Bill, let me tell you what did come up and this Bill everybody is for, the Illinois Horse Council, Farm Bureau, even Cavel is for this Bill. All this is, in Illinois right now what we have is we have this test that we give horses called the Coggins test, here in the United States. So, if a horse comes to the State of Illinois they either have to take this test or show that they took the test to show that they don't have any infectious disease. So, if they come to this state as a companion animal or to breed or to work for the mounted police or whatever, it shows that they're not sick. One of the things, however, if you are coming across the state line to go directly to a slaughter house you didn't need this test. But Cavel and everybody else thought it would just be genuine thing to say, no matter what reason you've come across the state line for, that you should all get this test. And everybody's agreed to that. And so this is

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

112th Legislative Day

3/30/2004

that kind of a Bill, which is good for the horse industry, both the people who were for and against my Bill to agree with this particular Bill."

Speaker Hannig: "Is there any discussion? Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Bill. The Coggins stops diseases that are highly infectious, diseases that need to be completely obliterated in the nation, not just in Illinois. As a horse owner and an owner of horse... show horses, this is one thing that really concerns us when we go to a show to think there may be horses that have not had a Coggins test. However, in the State of Illinois it's required at every single show that you have those papers with you. If you do not you will be immediately... your animal will be impounded and you'll be immediately taken out of the show. So, this is a good idea. Thank you."

Speaker Hannig: "Any further discussion? Then the question is... Excuse me, Representative Black, the Gentleman from Vermilion."

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

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

Black: "Representative, what's two and two?"

Molaro: "(Strikes microphone four times.)"

Black: "Very good. Very good. You're learning. Very good.

Did you check with the state veterinarian about the equine infection and the cross border? I used to know the state veterinarian, but he retired. And I don't know whether

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

112th Legislative Day

3/30/2004

you've talked to the new... At one time, I think we've been on both sides of this. And maybe Representative Mitchell can tell me. At one time, we required the vaccination and then I think in my tenure here we didn't require the vaccination or the evidence thereof. And now we're going back to it. And I don't have a problem with that because of what has happened not only in horses, but cattle, pigs, et cetera. But I don't know if the state veterinarian feels this is necessary and has the staff to check the papers. I mean, did you talk to anybody in the Department of Agriculture?"

Molaro: "No."

Black: "I assume Director Hartke is still in the Department of Agriculture. He may have been transferred to the EPA by now, I don't know."

Molaro: "Well, yeah, he's still there."

Black: "Oh, is he still there. Well, that's good news."

Molaro: "And... and actually in committee we had people from the veterinarians, as well as the horse council. All the people that were there for my... the bigger Bill, I should say, were there for this Bill and all signed in as proponents for this Bill, as I recall in committee. But... but I just wanna question, I'm not saying that this should come back or not come back, whatever it's required for now, what I was being told and what the Bill does is that if you bring a horse into the show or to breed you have to have this test if it's a certain age. But if you're bringing it in to go straight to a slaughter house in Illinois then you

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

112th Legislative Day

3/30/2004

don't need this. Which when Cavel was operating... And so it kinda didn't make sense to me that if you're gonna show the horse we're worried about horses catching anything, but if they were diseased and we're gonna cut it up for meat and send it overseas, well, that's kind of like, well, if it's diseased who cares, they're eating it over in Europe anyway. Ya know, let 'em eat cake. But, so, I thought it would be a good idea to do this and everybody seems to be in agreement. There was no opposition."

Black: "All right. On the Amendment that requires the... that you sign a certification..."

Molaro: "Right."

Black: "...that the horse you sold at auction may in fact end up at a rendering facility. I didn't see anything in that... if... if you refuse to sign it, I assume there are no penalties and the buyer of the horse is still free to do what he or she wants to do with the horse."

Molaro: "Oh, absolutely. As a matter of fact, that was brought by the Illinois Horse Council..."

Black: "Okay."

Molaro: "...who again was in... vehemently opposed to my other Bill. And basically, what they were doing is, they ba... were saying there's a form you have to sign when you go to auction anyway, so there's a form you gotta give the auctioneer. This would just put on that form that certainly please be aware that it could..."

Black: "Okay."

Molaro: "...go to a slaughter house."

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

112th Legislative Day

3/30/2004

Black: "All right. Okay. Good job, Representative. Thank you."

Molaro: "Thank you."

Speaker Hannig: "Representative Sacia."

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

Speaker Hannig: "He indicates he will."

Sacia: "More a question than anything, Representative Molaro. I guess I question why if they're going to slaughter and my recollection of equine infectious anemia is that it's not transferable, if you will, to human beings in any way. And I may be very wrong on that..."

Molaro: "Right."

Sacia: "...that's my recollection. And if the animal is going to be slaughtered, what I'm thinking here is, say that somebody from out-of-state ships in a semi-load and the cost, my recollection, when we have the veterinarian come and test our horses, it's somewhere between 25 and 45 dollars per animal to pull this test. I guess I'm a little surprised that all of these horse organizations are in favor of this. And I'm asking it more as a question. I don't know whether to be opposed or support it."

Molaro: "Well, yeah, I... well, here's the point. Everybody I've talked to is for this including even the... Cavel was for this. Because when you cross over the state line and you say you're for slaughter only, there isn't a direct route. There are times that the horse would come here and for three, four days or for three, four weeks they'd be stabled

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

112th Legislative Day

3/30/2004

at a different stable area and then brought to the slaughter house. So, they thought it was important to makes sure that when they're stabled for three or four weeks, even though their coming is strictly for slaughter, if they're with other horses those horses may be infected."

Sacia: "Thank you, Representative."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 6616. Representative Phelps."

Clerk Mahoney: "House Bill 6616, a Bill for an Act in relation to public employee benefits. Third Reading of this House Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. All this Bill does is allow the 20 Cairo public utilities employees to apply to be in the Illinois Municipal Retirement Fund. Cairo, as you know, is a very depressed area. And I'd appreciate a 'yes' vote."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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

112th Legislative Day

3/30/2004

Representative Kurtz. Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 5889."

Clerk Mahoney: "House Bill 5889, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Hannig: "Representative Osterman."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5889 amends the Public Aid Code to assist elderly, blind and disabled legal refugees and asylees with a continuation of a supplemental security income benefits while they continue to work to become naturalized U.S. citizens. Additionally, what it does is it sunsets after two years and puts a maximum cap of the benefit that they would receive. Currently, the Federal Government assists these individuals who sought and were granted refugee status in our country with SSI benefits for seven years while they work to become naturalized citizens. However, due to backlogs at the INS offices due... sometimes due to mental health issues that these individuals have they did not become citizens within that seven-year window. Additionally, presently at the federal level, President Bush and Congress are looking to remedy this issue. But what happens right now is after that seven years if those individuals do not become U.S. citizens, as they work to become U.S. citizens, they lose this benefit. House Bill 5889 would have the Department of Human Services pick this

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

112th Legislative Day

3/30/2004

benefit up as these people work to become naturalized U.S. citizens. We are looking to work with the Department of Human Services, as we have been in the last month and a half, to try to find funding for this. That will something that we continue through the appropriation process. I would ask for an 'aye' vote."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Hoffman. Sacia. Kurtz. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 86 voting 'yes', 29 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4457. Representative Millner."

Clerk Mahoney: "House Bill 4457, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "Representative Millner."

Millner: "Thank you, Mr. Speaker. House Bill 4457 provides for a uniform gross weight limit on all roads for concrete mixer trucks by redistributing weight more safely without increasing the gross weight. And I ask for your support."

Speaker Hannig: "And on that question, Representative Parke."

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

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

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

112th Legislative Day

3/30/2004

Parke: "Yeah, Representative, is this something that is really gonna make a difference in how heavy the trucks are and running on our roads? Is this to protect our roads?"

Millner: "No, no. This absolutely will make a difference. Currently, concrete trucks run through our neighborhoods to pour driveways, foundations, they go to the business areas and literally the trip... 2 percent of all trucks on the highways are concrete trucks. Their trips are from the point of loading to wherever they're delivering it. They're crossing state roads, county roads, local roads. And the weight limits on each road are varied by 2 thousand pounds per axel, one way or the other. This makes it uniform throughout all roads. Many of the concrete trucks have that tag axel on back where pressures have to be adjusted, so if they're going from... an example, a local community where they were loaded, they cross the state highway, in theory they're to be adjusted. If they're not, they could be liable for that change in axel. This removes the bridge formula. It makes it like any of the other special hauling vehicles, but does not increase gross weight. It's a safer way of doing it."

Parke: "So... so our roads are not gonna take anymore weight on 'em?"

Millner: "No, in theory not. And there is no known opponents at this time."

Parke: "Okay. Thank you."

Speaker Hannig: "Representative Bost."

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

112th Legislative Day

3/30/2004

Bost: "Thank you, Mr. Speaker. I rise in support of the Bill. The Bill itself simply allows us to move products with concrete, when construction's going on. It does not endanger our bridges. But what it does is, the bridge law is a very complicated law, but this simply allows a sensible transportation of concrete."

Speaker Hannig: "Any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4782. Representative Reitz."

Clerk Mahoney: "House Bill 4782, a Bill for an Act concerning alcoholic liquor. Third Reading of this House Bill."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 4782 simply allows wineries to serve beer and other alcoholic beverages. Allows them to apply for a liquor license in their county or city or wherever their jurisdiction is. And I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Joyce. Kelly. Would you like to be recorded? Have all voted who wish? Mr. Clerk, take the

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

112th Legislative Day

3/30/2004

record. On this question, there are 100 voting 'yes', 14 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 5197 for Representative Smith."

Clerk Mahoney: "House Bill 5197, a Bill for an Act concerning reverse mortgage loans. Third Reading of this House Bill."

Speaker Hannig: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is an initiative by the AARP to address some concerns that have come to their attention from many of their members regarding abuse of reverse mortgages. Reverse mortgages are a tool that persons over the age of 62 can use to help recapture some of the equity in their home and allow them to stay in their home. Unfortunately, there have been some abuses that some... some lenders have taken advantage of senior citizens under this Act. The original Bill provided for a civil penalty for violators of the... of reverse mortgage Act. We removed that because of concerns from the banking community that that fine was actually too excessive. So, this Bill simply states that the licensee of a reverse mortgage would have to act in good faith when dealing with a potential borrower. And this is agreed language between the AARP and the mortgage community, the bankers assoc... the Illinois Bankers Association. And I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye';

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

112th Legislative Day

3/30/2004

opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4539. Representative Soto."

Clerk Mahoney: "House Bill 4539, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "Representative Soto."

Soto: "Thank you, Speaker and Members of the House. House Bill 4539 amend... as amended provides that the clerk of the circuit court may notify the Secretary of State if any resident of this state makes only a partial payment and fails to pay the remainder of any traffic penalty or cost imposed on a violation of code. This is an initiative of the clerk of the circuit court and it's just a little technician... technical change."

Speaker Hannig: "The Lady has moved for passage of House Bill 4539. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, does... I don't see it in the language. Would this include a parking ticket?"

Soto: "Yes, it does. Any... yes, this would be any... any traffic fine, penalty."

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

112th Legislative Day

3/30/2004

Black: "All right. Now, this is more than just a technical change, this is a substantive change in existing law."

Soto: "And I'm sorry I said technical. I have another Bill that had a small technical change..."

Black: "All right."

Soto: "...so I'll take that back."

Black: "Does... does your Bill apply statewide or only to the County of Cook and the circuit clerk therein?"

Soto: "This is a Cook County."

Black: "A Cook County Bill, all right. Representative, no hard feelings, this isn't personal. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "I have, in the 18 years I've been in office, ongoing problems with the County of Cook and the City of Chicago on what we in downstate often refer to as 'phantom parking tickets' that suddenly appear, people in my district get them. My all time favorite is when they went after a woman and were going to suspend her driver's license, but she had been dead seven years prior to the violation. I guess she was still eligible to vote in Chicago, so they thought she might be able to pay the ticket, as well. Ya know, I dropped in a Bill a few years ago and it got the city's attention and they came down and they worked on some due process on these 'phantom parking tickets'. And they... I think the Director of Revenue at that time was a gentleman by the name of Hugh Murphy and I commended him and still do for working on that situation. It was out of hand. I was working on 12 to 15 to 20 constituent cases a month that

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

112th Legislative Day

3/30/2004

were getting overdue parking tickets from the City of Chicago. And we could prove either by time records or a wrong VIN number or a wrong license plate number, 85 percent of them were issued in error. But until Direc... then Director Murphy came up with a process, we could never get them corrected by the City of Chicago. And these people were generally senior citizens. Then they would get notified by the city that were going to impound their car, they were going to take away their driver's license. They were going to do all kinds of things. Well, Direc... the then Director Murphy got that straightened out to where I would only get about five of these a year. Now, they're coming back. And just last month we had one in our office where the car was demolished in a wreck. We have a letter from the insurance company saying that the car was totaled, sent to a recycler and the license plates were destroyed. Oh no, oh no, says the City of Chicago. Those plates were on a car double parked at 2:00 in the morning. So, I wrote another letter and this is what I was told. From now on, if any of you downstate Legislators wanna contact the City of Chicago about one of these 'phantom parking tickets' you have to fill out some kind of affidavit and then it becomes a matter of the court to decide and on and on and on. They're the only city in the state, obviously, that does it. I think they're the only city in the country that does it. And until they get their act straightened out, I'm not gonna vote to give their county clerk, their circuit clerk, or anybody else up there the right to come after people who

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

112th Legislative Day

3/30/2004

haven't been in the City of Chicago in 20 years and yet they're treated as guilty until you can prove themselves innocent. In all due respect to the Representative, I love the City of Chicago, but if they can't collect the money, that's Chicago's problem and I'm not gonna vote to give them extraordinary power to harass non-Chicago, non-Cook County residents on tickets that eight times out of ten are bogus. Vote 'no'."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen, to the Bill."

Speaker Hannig: "To the Bill."

Parke: "When my mom was living, she would never drive into the City of Chicago. It scared her to drive that far and she didn't like driving downtown. Yet she got a parking ticket for right downtown for that. Now, I told her don't worry about it, I'll talk to some people down here and see what the problem is. And I said I'm sure we'll get it straightened out. Well, it took me months to get that worked out and the stress that was put on my mom was unbelievable. And it's the stress that is put on your constituents, on your family members that this is wrong. In addition, Ladies and Gentlemen, my colleague is talking about Cook County or the City of Chicago. It is my understanding that this Bill applies to all of the State of Illinois, not just to Cook County or the... Chicago. In addition, there's a cost to this. It is my understanding, according to ours, that it costs about... in the first year

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

112th Legislative Day

3/30/2004

the estimate is 970... well, no. That there is add... there is an additional cost on this legislation to implement it through the Secretary of State's Office, 230 thousand, the fiscal note says, 230 thousand and 150 thousand thereafter. I... Ladies and Gentlemen, the Sponsor's well intended, but I'll tell ya what, we ought not to be passing this legislation until they get their act together, until they stop harassing our constituents and our family members. I also rise in opposition to the Lady's legislation."

Speaker Hannig: "Representative Molaro."

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

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

Molaro: "Thank you. I was... I was looking at the Bill and I don't know if it was a question, I don't know if Mr. Parke actually asked this question. I know we talked... well, we talked about Cook County, whether... whether it's only Cook County or not. And it seems, the way that I read it, it looks like it's statewide. Can you just point out the language that said it's Cook... Well, I'm sorry. Go ahead."

Soto: "It is... it is. It's just been brought to my attention. And I also stand corrected this is only for moving violations."

Molaro: "Okay. But wait, wait, wait. What's been brought to your attention, that it's state..."

Soto: "That it..."

Molaro: "Whoa, whoa."

Soto: "That it's statewide."

Molaro: "I'll ask... is it statewide or just Cook County?"

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

112th Legislative Day

3/30/2004

Soto: "Yes, statewide."

Molaro: "This is statewide."

Soto: "Correct."

Molaro: "So, it's not just we're doing this for Cook County, we're doing it for the whole state?"

Soto: "Correct."

Molaro: "Okay. Ya know, I... I have a little problem with the Bill only because I do a lot of... I do a lot of work with traffic tickets. And a lot of times when people who go there and they get fined, now as you well know, and I always blame the City of Chicago this, and they know my position. So, if they wanna get mad at me they could. Ya know, everything is revenue producing and in this rough time when local municipalities don't have any way to raise money, what they do is everything is revenue, revenue, revenue. So, what they do is instead of sending these people to traffic school, what they do is when someone has a red light, the judges come out there and try to convince 'em to plead guilty to supervision, so you get in supervision. All right. You get supervision, it means it doesn't go on your record; Secretary of State's not notified. But what they say is, I'll give you supervision but I want a \$125 fine."

Soto: "Okay. Representative, I just have to say, they are notified. They have 40... they're notified 45 days in advance, so it's not like they don't know what's happening."

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

112th Legislative Day

3/30/2004

Molaro: "Oh no, I... I understand that. But I guess my point is that if they don't make the payment... so they give 'em supervision, they don't make the payment. What we're doing is we're gonna get the... I know it's hard to... it's hard for us... yeah, we're both the type of people that like to look at each other when we talk. He's really tall, that seems to be the problem. But my... I would never ask him to move, but since he did, that's okay. So, the only... the only trouble I do have is that when you notify the Secretary of State that again now someone didn't pay. So, I guess by notifying them then, what happens is when the person comes in two months or three months after being notified and they pay the \$35 that they owe. Now there's an extra step that now they have to notify the Secretary of State and if they don't notify the Secretary of State because you can't count on the clerk of the circuit court to notify. I don't know if you're causing more of a problem than you're alleviating. I understand the intention of the Bill. I just wanna make sure we're not causing more of a problem."

Soto: "Do you understand that this is already implemented? All we're adding is just this... Yeah, it's already something that they're doing. It's noth..."

Molaro: "Well, if they're already doing it then why do we have the Bill? Obviously, you're changing something or we wouldn't have the Bill if they're already doing it."

Soto: "We just wanted to get it legislative mandated."

Molaro: "Wha... I'm sorry. I thought it was for partial payment. The way I know it works is this, someone gets a fine, they

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

112th Legislative Day

3/30/2004

don't pay, it's 30 days and they don't pay. If they make a partial payment, the law is now that, now because it's the clerk or the judge who gave 'em the permission for partial payment, now it's up to the clerk to go collect it. You can no longer bring the Secretary of State in on partial payments. The only way to bring the Secretary of State in is if there's no payment whatsoever. So, what we're making the Secretary of State do is kinda like be a bill collector for the clerks of the circuit court. And all I'm saying is that I think you create more problems than you alleviate. But... but what we'll do is, I'm not gonna keep belaboring the Bill. If you think it's important and you're shaking your head yes..."

Soto: "And it is, otherwise I wouldn't be introducing it."

Molaro: "I'll... I know. I'll vote for the Bill, but you gotta talk to the clerks of the circuit court and find out what someone has to do. They've been notified by the clerk, they haven't paid, now the Secretary of State says we're gonna suspend your license or you won't be able to renew your license until you pay. When you now go in and pay the clerk, does the clerk automatically send a notice to the Secretary of State to lift that sanction? That's all I want you to check on as you move this Bill forward."

Soto: "Yes, I will. I will check on that and I will get back to you and get... with the answer."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. And to the Bill. I... I think that the Representative has given the opportunity for many

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

112th Legislative Day

3/30/2004

of us that feel the frustration that was expressed by Representative Black earlier to speak up now and say, ya know what, let's send a message. If you're from a district where you get these constantly in your office and you constantly have to fight and deal with the fact that these false parking tickets are placed out there. Let's send a message here. May be once again... Ya know I was around when Bill argued the first time on the Chicago ticket situation. And for a while it was okay, but now it's back to the same situation where every time you turn around there's some person that has not had a car license for years, receives a ticket from the City of Chicago. And the amount of people that just pay them and don't call our office is unbelievable. They just... they just go ahead and pay. Well, obviously, they're making a profit at this and they're doing very well at it. But there are a lot of people that... the people who can't afford this. They've never driven a car in Chicago. Many people in my district, folks, let me tell ya, they spend more time going to Paducah, Kentucky, St. Louis, Missouri and have never been in the City of Chicago but yet they get tickets from them. I think we should just send a clear note, if you're a downstater say 'no'. Nothing personal to you, Representative, but let's send a message."

Speaker Hannig: "Representative Soto to close."

Soto: "I urge an 'aye' vote."

Speaker Hannig: "Okay. Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting

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

112th Legislative Day

3/30/2004

is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 37 voting 'yes' and 73 voting 'no'. And the Bill fails. Mr. Clerk, read House Bill 3869. Represen... Representative Phelps, for what reason do you rise?"

Phelps: "Thank you, Mr. Speaker. On House Bill 4782 my switch was not working properly and I wish the record to reflect that I would have voted 'aye'."

Speaker Hannig: "The record will so reflect. Mr. Clerk, read House Bill 3869, please."

Clerk Mahoney: "House Bill 3869, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Mitchell."

Mitchell, B.: "It's a great Bill. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3869, it increases the... increases the criminal penalties for damage to farm equipment by one level to bring them in line with current penalties for damaging schools and places of worship. This is a situation that occurred in my district in the southern part of Macon County and in McLean County where the farmers... during harvest season they had some vandalism. And I think it's a great Bill and I urge the House to give an 'aye' vote."

Speaker Hannig: "And on that question, Representative Fritchey."

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

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

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

112th Legislative Day

3/30/2004

Fritchey: "I'm asking this in all sincerity. Why would we have heightened penalties for criminal damage to farm equipment as opposed to somebody that may be in another line of work and their equipment gets damaged?"

Mitchell, B.: "Well, I think... appreciate your question, Representative Fritchey. There's one in four jobs in Illinois are related to agriculture. So when you're between... particularly and this is between September 1 and the end of November you have... it has... a portion of this Bill has heightened penalties for criminal trespass. It is that this is farm production time when you get into the fields and when someone burns your truck up or burns a field up, their livelihood is gone and the whole economy of the region is affected."

Fritchey: "I... I understand that and I have a sincere appreciation for the role of agriculture in our economy in this state, but at the same time if an individual happens to be in the trucking business and somebody damages his truck, he's out of business as well. If somebody happens to be a store owner and their store gets vandalized, they have business problems as well. I guess my concern is we start to go down a slippery slope where Legislators are gonna wanna show their commitment to those businesses that are in... local to their district to say we want special and heightened penalties for damage to this type of property. If we wanna raise the penalties for criminal damage to property..."

Mitchell, B.: "This is..."

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

112th Legislative Day

3/30/2004

Fritchey: "...let's do it across the board. But if we start carving out these niches, I think it's just... it gets us into a patchwork. And people wonder how we got from ten commandments to, ya know, 20 volumes of statutes in this state and this is the type of way that we get there."

Mitchell, B.: "I appreciate your concern, Representative, but there's a key difference between... and it's terrible if you have a vandalism of any property, but if when you have a vandalism of a field and there's crops in the field and you burn the field up, you can't replace that. That's a year of income gone. That's quite a different situation."

Fritchey: "But this... but this isn't criminal damage to a field..."

Mitchell, B.: "Yes, it is. It's criminal..."

Fritchey: "...there's a... there's a tres... as I'm looking at our... our analysis and tell me if I'm wrong."

Mitchell, B.: "Yeah, this is not just..."

Fritchey: "There's a component for trespass to agricultural properties, but there's also heightened criminal penalties for criminal damage to farm equipment."

Mitchell, B.: "No, it... it... it's the..."

Fritchey: "So, that's not the field, that's the tractor or the combine or whatever else it may be."

Mitchell, B.: "It includes... it includes equipment, but it..."

Fritchey: "I don't know too many pieces of farm equipment. Those are all I can name off the top of my head."

Mitchell, B.: "I beg your pardon?"

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

112th Legislative Day

3/30/2004

Fritchey: "I said, I don't... I can't name too many pieces of farm equipment off the top of my head."

Mitchell, B.: "Tractor, combine."

Fritchey: "That's about as far as I can go right now."

Mitchell, B.: "Okay."

Fritchey: "But..."

Mitchell, B.: "There's also fields and when you have... when you have crops in the field and you have damage to 'em, when you burn it up, you can't replace it and that farmer's livelihood is gone for the year. That's malicious conduct. That whole economy of a region is gone."

Fritchey: "And... and... and... and I am sensitive to that, but I guess I'm at a loss why we would have a heightened penalty for somebody that damages a tractor as opposed to somebody that damages an individual's dump truck."

Mitchell, B.: "Well, again, Representative, this wasn't just a tractor, it wasn't just a farm truck, it's related to any farm equipment or property, which includes the crops in the field."

Fritchey: "All right. Ya know, I know you're very well-intentioned, I... I may vote against this just because of the reasons that I stated. I'm sure it will fly outta here. Thank you for answering my questions."

Mitchell, B.: "Thank you, Representative."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise in strong support of

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

112th Legislative Day

3/30/2004

the Bill. As to the previous Gentleman's comments, we would certainly entertain any Bill that he would bring forth on enhanced penalties for criminal damage to anyone's property, your personal car, over the road trucks, whatever that might be that might be more of a problem in his area. You all know how you feel when your automobile is damaged, keyed, spray painted, vandalized. It's... not only makes you angry, it ties up your vehicle for days, if not weeks, in a body shop. But I think what the Sponsor of this legislation is trying to get you to understand that during planting or during harvest it's often necessary for you to leave a \$200 thousand tractor out in the field, no fence, no nightlights. And if you're in counties like Representative Mitchell and I live in, you're lucky if there maybe are four deputy sheriffs to patrol a county of 12 hundred square miles or more. So, they may go by your farmstead once a night, they may not go by there at all. You may leave a \$285 thousand combine in the field because you need to... you can't drive it home every night and even if you did, few farmers can afford the kind of storage shed in which to store these implements of husbandry. And for people driving through fields, if you drive a four-wheeler through a field that has just been planted, that loss is... could be disastrous for a farmer. Again, I don't think we're trying to enhance penalties just that occurred to implements of husbandry or the land that's under cultivation. It is unfortunately recognizing a serious problem that didn't exist 15 years ago. We didn't... we

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

112th Legislative Day

3/30/2004

didn't always lock our doors in rural Illinois. We often left the keys in the combine and the tractor. We can't do that anymore. We simply can't do it. That's too bad, but that's a fact of life. And yet, you cannot expect us to leave these kinds of expensive investments in an unfenced field, somebody absolutely destroys it. The tires on one of these implements may cost in the hundreds, if not thousands of dollars. And you come out the next day, all of the tires have been shot out, all of the glass has been shot out, maybe the instrument panel has been damaged with a hammer or liquids or whatever, that takes that implement of husbandry out of service during a very critical time. Yes, farmers will usually come to your assistance, that's the way it still works. This is a Bill that recognizes the differences that are now coming to rural Illinois that we didn't have to worry about 15 years ago. It makes good sense for many, many people in the agricultural business in rural Illinois. I think it deserves a 'yes' vote."

Speaker Hannig: "Representative Mitchell to close."

Mitchell, B.: "I think, as usual, as Representative Black spoke very articulately on my Bill and I appreciate that. This is an important Bill for Illinois' economy. Again, one in four jobs in the State of Illinois are related to agriculture. It just recognizes that point. Representative Black said, when you have a 2, 300 thousand dollar combine in the field, a mile and half, two miles from your home, late at night when it's vandalized there are some real serious problems during harvest season. So,

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

112th Legislative Day

3/30/2004

this is the recognition of the importance of agriculture to the State of Illinois. I certainly urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 5105."

Clerk Mahoney: "House Bill 5105, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Washington. Representative Washington, you're up. Out of the record? Okay. Out of the record at the request of the Sponsor. How about House Bill 6563, Representative Washington? Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 6563, a Bill for an Act concerning estates. Third Reading of this House Bill."

Speaker Hannig: "Representative Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, this Bill, House Bill 6563, is a Bill that will amend the Probate Act of 1975. The Bill provides that the court may find that appointing a person convicted of a felony to act as a guardian of a minor or disabled person, it may be in the best interest of that minor or disabled person that those two be paired together. The current Probate Act would bar any person with a past felony conviction from acting as a

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

112th Legislative Day

3/30/2004

guardian. And the genesis of this Bill, simply stated, is to reaffirm our justice system and reaffirm that we trust in the judgment of those who wear black robes and are referred to as judges to not be limited in making a determination that would give them a free hand of picking a guardian who is available for a minor or somebody no longer to take care of themselves. That's the simplicity of the Bill. And I remind my colleagues, with the number of families who have been affected by people who have gotten a felony for one reason or the other. Recently, this general Body looked at the number of men and women who were on death row, they too had a felony, but they too were innocent and in some families the choices are very limited on who can take care of someone. And so, this Bill would only broaden, keeping it in the hands of the court system that we uphold and to reaffirm the trust that we want to have and we do have with our judges that with the many cases that come across their desks we don't wanna tie their hands in trying to make the quality of someone who is a minor or is disabled even that much worse. Thank you, Mr. Speaker."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 6563. And on that question, Representative Black."

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

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

Black: "Representative, the only difficulty I have with the Bill and I know that suggestions were given to you that you

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

112th Legislative Day

3/30/2004

should make this to nonviolent offenders only. And I don't think that was done. Now correct me, I could be wrong, but why would... why would we want a guardian who was convicted of aggravated assault and battery, aggravated sexual assault, attempted rape to then be appointed guardian for his 16-year-old niece?"

Washington: "My colleague raises a very good question. But I am mindful that children don't pick their parents and parents don't pick their children. And in the family lineage there are some 'black sheeps', there are some individuals who probably would fall under the category... category that you mentioned. But because someone has a felony background doesn't in of itself measure the self-worth of that individual. It doesn't... I would hope in the eyesight of the judges who will continue to make the determination of what's in the best interest of a 16-year-old, the example you gave, or a minor, that those judges will use the wisdom that years of experience has brought them and do, or at least attempt to do and to give a try to what is in the best interests of a child or a disabled person who have very limited options other than being a ward of the state, a continual burden of the taxpayers. And sometimes being among strangers who they themselves may have some hidden things in the closet and may not be in the best interests of that minor or that child."

Black: "Representative, I don't fundamentally disagree with you on this Bill, whatsoever. I... children do not choose their parents, that is correct. But there are hundreds of pages

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

112th Legislative Day

3/30/2004

of case law where parental rights have been terminated because of an action deemed to be not suitable for a parent to do to their children. And that includes everything from incest, to child abuse, aggravated assault. I... I think, Representative, what... well, I know in committee there were people who said if you would amend this so that nonviolent felons or misdemeanants wanted to be appointed, that would be fine. And I don't think anybody would have a problem with that. But your Bill is so broad that a person convicted of a Class X felony, a person convicted of murder could serve his or her time, come out of prison and be assigned as guardian to a young child. Now, on its face that may sound rather innocent and you wouldn't get upset about it, but I daresay if it happened in your district there would be an outcry that that person who had committed a violent crime, who had committed murder or sexual assault should not be then made a guardian of a minor child. A misdemeanant, a nonviolent felony, shoplifting, a simple... simple case of battery, I don't have any problem with that. My problem is that I think the Bill as drafted is too broad. As I... as I talk to you privately, not too far from my district there was a judge that while he was an attorney looted an estate of millions of dollars. Now, that judge obviously is no longer a judge and is serving time in a correctional institution in Illinois. Now, when that judge is released, as I'm sure he will be, I would not be comfortable with that judge being granted guardianship of a trust fund set up to take care of a minor child whose

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

112th Legislative Day

3/30/2004

parents may have been killed in an accident. I don't think that's the kind of person that you would want. Yes, he's paid his debt; yes, he may never loot an estate again, but that... you're taking a tremendous chance. If you would narrow the Bill with an Amendment to make it a... a nonviolent offender or a certain classification of felony that couldn't be appointed guardian, I'll be the first one to vote for the Bill. But I cannot in good conscience vote for the Bill in this form."

Washington: "Well..."

Speaker Hannig: "Representative Rose."

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

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

Rose: "Representative Washington, in committee there was discussion and many of us voted for this Bill to get to second despite severe reservations that it should be limited to nonviolent offenses only. And you and I have talked since then. In fact, Representative, I had received an Amendment, or excuse me, a possible Amendment from Patricia Nelson, who's one of the proponents of this in committee. And she sent it to me, and it didn't exactly address in its entirety the issue of violent crimes, but essentially, the Amendment would read that as part of the best interest of the determination... the best interests determination that the court should consider the nature of the offense, the date of the offense and the evidence of the proposed guardian's rehabilitation. Didn't I give you that to you last week, Representative Washington?"

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

112th Legislative Day

3/30/2004

Washington: "Yes, Sir."

Rose: "And you did not file that as an Amendment?"

Washington: "We said that that would be done in the Senate.

I'm... back there I was gonna allude to it when my colleague spoke to it, but I wanted to let him finish first. But I wouldn't tell you something and not do it. We said when it got ready to go to the Senate, remember?"

Rose: "Representative Washington, I don't remember that. I'm sorry."

Washington: "Yes. Yes. We said... I said to you, before... once it leaves this chambers, hopefully, that I would make sure that that Amendment was done with the next person who would be catching it over in the Senate."

Rose: "Okay. Thank you, Representative Washington."

Washington: "Thank you."

Rose: "Mr. Speaker, to the Bill. Representative Washington, I will take you at your word that that is what I agreed to, I don't remember agreeing to that. I remember in committee very strenuously opposing this and saying that this needed to have an Amendment filed to it. I will go ahead and vote 'yes' today based upon what you just told me, but I want the Body to be aware that there is language out there that could limit the scope of this to address what Representative Black was just discussing and in fact get to the heart of the issue that we do not want in fact prior convicted felons of maybe sexual crimes, et cetera, to go ahead and have these sort of custodial guardianship positions. Representative Washington, I will... I will take

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

112th Legislative Day

3/30/2004

you at your word that this is not gonna move out of the Senate without the Amendment that we've discussed. And with that understanding, I'm gonna go ahead and vote 'yes' today. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Washington to close."

Washington: "Thank you, Mr. Speaker. And I wanna thank the... my colleague for his trust in me. And I won't let that trust fail. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 36 voting 'yes', 79 voting 'no' and 2 voting 'present'. And the Bill fails. Mr. Clerk, would you read House Bill 4635. And Representative Verschoore, what... for what reason do you rise?"

Verschoore: "Thank you, Mr. Speaker. I'd like to recognize... I'd like the Ladies and Gentlemen of the General Assembly here to help me give a round of applause to some fire fighters from my area. Great people, both active and retired, we got with us today. We've got Tim Gibbons, Joe Shclone, Louis Vuentes, Tom Cassidy, Scott Kurker, Jamie Hudson, Mr. Unsel, who is president of the local there, and also John Brandameier. Like to give those guys a big hand for all the work they've done and all the good things they did."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Welcome to Springfield. And Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 4635, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Young."

Younge: "Yes, thank you, Mr. Speaker. House Bill 3645 (sic-4635) would create the... the Mid-America Medical Center District within the City of East St. Louis. And the boundaries would be Martin Luther King on the northeast, 10th Street up to Trendley on the southeast, Trendley and Collinsville to 1... to I-64, I-70 and I-55. This medical district would be operated by a medical district commission. There would be nine members on the commission and four of them would be appointed by the Governor, two by the mayor of the City of East St. Louis and three by the county supervisor. And what the commission would do would be to move the district towards more hospitals, clinics, research facilities, educational facilities and a rising technology of businesses. We have the support of the Illinois Medical District. Dr. Smith, who is the president of that district, has written a letter saying that he supports this. We have the support of the mayor, the county supervisor. And I think that this would greatly help the economy in our East St. Louis area. And I ask for your approval."

Speaker Hannig: "And on that question, Representative Parke is recognized."

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

112th Legislative Day

3/30/2004

Parke: "Thank you, Mr. Speaker. Just a point, we do not find this on our laptops. This does not come up. We have no analysis of it. Is it now? Okay. Let me ask you this; is there any state money involved in this?"

Younge: "No, there isn't. Also, there is an Amendment I had forgot to say. There is an Amendment that would take out all references to quick-take or eminent domain. But this is a substantive Bill, it isn't an appropriations Bill. And it was my intention to get the commission setup, get the district setup and then have the appointees begin the work of the master plan, including what the budget would be and all of that. So, that's my intention."

Parke: "So, you're gonna setup a Mid-American Medical District. Is that similar to anything else we've done already?"

Younge: "It's similar to the Illinois Medical District in the west side of Chicago, the Rushmore Presbyterian Complex with the high technology center. They have over in the last 60 years developed some 25 thousand jobs from research and technology. And it will be our intention to try to take the first step in that direction."

Parke: "Now, it says here the City of East St. Louis has the power for condemnation of commission property. Is that correct?"

Younge: "The City of East St. Louis has the power to condemn whatever property it wants to, I take it."

Parke: "Are they not gonna have... do they have to have a reason to condemn it or they can just simply say they wanna condemn it?"

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

112th Legislative Day

3/30/2004

Younge: "We've taken out any bi... or authorization of condemnation... not of condemnation, but of quick-take or eminent domain for the commission that is being created by this Act. That's..."

Parke: "Where's the money gonna come from for this program?"

Younge: "What?"

Parke: "Where will the money come from to do this program?"

Younge: "This medical district commission and... and... is in the empowerment zone in East St. Louis. And I think that there will be federal grants and state grants which can be available because of the nature of the work."

Parke: "So, we don't have any money at this point in time?"

Younge: "That's correct."

Parke: "To the legislation. Ladies and Gentlemen, it's understandable that the Sponsor is trying to help her legislative district. We can appreciate that, but I for one will not be voting for this. The track record of allowing this community to have condemnation authority, to take in money, they have just not shown an ability to handle from previous other responsibilities that has been given upon that area. The track record is kinda sad and I just don't think that this is what we ought to be doing and I'm not gonna vote for it. Thank you."

Speaker Hannig: "Representative Lang. Lou Lang."

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

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

Lang: "Representative, I wanna make sure I understood Amendment. You took out the quick-take authority in that

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

112th Legislative Day

3/30/2004

Amendment did you not? Sho... Thank you. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Lang: "I can't imagine not voting for this Bill. I don't know what the former speaker was talking about. This Bill no longer has quick-take in it. And I don't know what he means when he says that this community can't deal with its own affairs, or this community doesn't know what to do with responsibilities. This is an important, viable community in the State of Illinois in the southwestern portion of our state. It's the gateway into our state from Missouri. And what the Lady is trying to do here is what this Lady has been trying to do for a very long time in her district, create economic development, create new business, create expansion and to keep doctors in the State of Illinois. We've heard a lot about how doctors are leaving our state. Some blame that on medical malpractice. Whatever the reason, doctors have been leaving our state and the Lady is simply trying to create a mechanism for economic development and to improve healthcare in her region while improving her community through all of this. There's no money in this Bill. There's no money available today. She recognizes that. She's taken the quick-take authority out. And all she's trying to do is help her community through economic development, through healthcare and to keep medical people in the State of Illinois. I can't imagine that that isn't a worthy goal. There's nothing in this Bill that's egregious, nothing in this Bill that costs the

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

112th Legislative Day

3/30/2004

State of Illinois any money and nothing in this Bill that should offend anybody. And the notion that the City of East St. Louis or the region should not be permitted the opportunity to improve what they have there is... is appalling to me that any Legislator would stand on the floor and say that a responsible government in a city in the State of Illinois should not be allowed the ability to improve and enhance its economic opportunities. So, I for one, strongly stand in favor of the Bill and hope you'll join Representative Young in helping her community."

Speaker Hannig: "Representative Black, the Gentleman from Vermilion."

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

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

Black: "Representative, I always hate to follow such an eloquent, intelligent and attractive person as Representative Lang, but let me give it a try. The only concern that anyone on our side of the aisle has with the Bill and it was raised in committee, as I think you will recall. You mentioned in committee that you... that you would be willing, you didn't commit, you said you would be willing to amend the legislation on the floor to clarify your intent that this... the State of Illinois, i.e. the taxpayers thereof, will not in any case be responsible for debt. And... and the only question that I have and some on my side of the aisle have as well, we're not sure that that has been clarified, because... if you'll bear with me.

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

112th Legislative Day

3/30/2004

There's language in the Bill talking about assessments, common facilities... the section on revenue bonds, it would appear that if the bond does not... the bonds do not raise sufficient money to do this in your district that the state may have to come over and be... and the state may become the responsible party to pay off the bonds. And I think that's the only concern and I think it's a legitimate concern. Can you respond to that?"

Younge: "Yes. The only way the state could be responsible would be that there is a provision in a Bill that the... the full faith and credit of the state are... guarantee the bonds. There's nothing in this Bill like that. To merely say revenue bonds means that it... the rent or the leases or the money produced from the occupancy of the facility pays for it. But there is nothing in the Bill to suggest in any way that the state is going to be responsible for the debt of this commission. And I didn't understand that you were expecting a... an Amendment prepared. We talked about quick-take, we talked about eminent domain and I prepared and as you know, presented that to the committee. But I don't think there is any need to clarify further, the words are just not there to obligate the state."

Black: "Well, Representative, I think that's our concern. The words are not there to make it clear that these bonds could perhaps in... in a... there's several stereos... scenarios that I can see where the state may come in because there... or be held responsible, because there is no language that says

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

112th Legislative Day

3/30/2004

they will not be held responsible. For example, what happens if the commission defaults on the bonds?"

Younge: "If the commission defaults on the bonds, I guess the matter would go to court. But there... to ask the question doesn't say that the state would be responsible if there's nothing in the Bill about pledging the full faith and credit of the state, then it's impossible to do that. It is impossible to make it a state obligation, Representative."

Black: "Do you have any correspondence from bond council stating that this is in fact an impossibility?"

Younge: "No. No, I don't. But, Representative Black, I will say this, I am willing to work with you to put together words that make you feel more comfortable. There is nothing in the Bill to obligate the state, but if there is some wordage that would... can be put together in the Senate I will work with you on that."

Black: "All right. Representative, I've worked for you... with you for many years in this chamber and I know you're a person of integrity. I would assume that as this Bill goes through the process perhaps bond council may weigh in on this. And if language is necessary, I have no doubt that you will add that in the Senate, should that become a concern that the state needs to be protected by specific language. I know it's not your intent. I know you would not put the state in harm's way. But just in case and I know you to be a person of your word, a person of integrity, as I said. But if it becomes necessary in the

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

112th Legislative Day

3/30/2004

opinion of bond council or the Attorney General that we need such language, I'm confident that you will add such language if that has to become the case."

Younge: "Absolutely."

Black: "Thank you very much."

Speaker Hannig: "Representative Giles."

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

Speaker Hannig: "To the Bill."

Giles: "Ya know, when you're in this assembly and you get a chance to hear a lot of Legislators that bring forth legislation to legislate in this Body often time you... there's... there's a variety of things that... that you hear from different Legislators. Legislators may legislate a var... a wide range of different issues. But, you know, this is one Legislator that since I've been here since '93, each and every time she's been consistent. She's been consistent with legislation that deal with economic development, that deals with having a stimulus for her respective area, community, district. And so for any of us to get up here and say that we feel that this particular area or geographical area of the state do not deserve the opportunity to have an advocate, to have a Legislator, to have an individual to fight for resource... resources and services for that community that's a disservice to all of us, because that's what we're here for. So, it's just... it's just heartening for me to hear someone would allude to that fact. You know, here is a Legislator that took quick-take language out of her legislation for whatever reason or

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

112th Legislative Day

3/30/2004

not and I think many of you can recall and this usually happens at the last hour, May the 21st or whenever we get out of here, hours prior to adjourning we get this quick-take language and oftentimes it is suspect and we end up supporting that respective Legislator because this is something that's very important for their community. And here's a Legislator and it's not close to deadline or adjournment and bringing forth such an issue... an issues... that to me, that just says that this individual is genuine and trying to stimulate some type of opportunities and create some type of opportunities for his or her district. And I just want us to just keep that in mind as Members get up to legislate for their area. This is what we are here for and to respect that. And we have a Legislator that's talking about economic development, healthcare facilities and medical research facilities, things of substance. And oftentimes we support legislation here that may not have such matters in that language. So, let's just... let's keep focused what we're here for. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Grunloh."

Grunloh: "Mr. Speaker, I'd move the previous question."

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'nays' have it. And the main question is not put. Representative Meyer is recognized."

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

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

112th Legislative Day

3/30/2004

Speaker Hannig: "She indicates she will."

Meyer: "Representative, I'm the person that in committee expressed concern about the state's liability on... as to revenue bonds that are issued and that this... that this medical district wouldn't be able to generate the revenue to pay those off and the concern that the state would therefore be liable for that... for those payments. I still have that concern and certainly as a part of your discussion in the committee you did express a willingness to amend this Bill on the House Floor to make certain that that concern was addressed. You've certainly had time to do that and I'm... I do question, why was that not done? Have you changed your mind?"

Younge: "No. I don't remember agreeing to amend it on the floor, Representative Meyer, over the issue of whether or not the state would be obligated for the debts of this commission. My point of view is that if the full faith and credit of the state is not pledged, if it's not in writing, if it's not in the Bill, it's just simply not a state obligation. So, therefore, it's not necessary. But I have committed to Representative Black that we will get bond council and whatever language bond council believes is necessary to make it clear that the state is not obligated, I'm willing to do that in the Senate."

Meyer: "Well, Representative, let me read you a line out of your Bill that causes me to question this. And it's on page 9, approximately line 14, 15. 'In the event... in evidence of and as security for the funds borrowed the

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

112th Legislative Day

3/30/2004

commission may issue revenue bonds in its corporate capacity to be payable from the revenues derived from the operation of the institutions or buildings owned, leased or operated by or on behalf of the commission, but the bonds shall in no event constitute an indebtedness of the commission or a claim against the property of the commission.' Now, if you're taking the commission and allowing them to... to give... to give out the bonds and then you take them out of the mix, who is responsible for that debt? It has to be another entity and the fact that the state is allowing that entity to exist would seem to me that it would put the state in the line of jeopardy of payment of those bonds if the revenues weren't developed."

Younge: "Well, there is nothing in what you read to suggest that it would be a state debt."

Meyer: "Then who is responsible if the commission who authorizes the bonds cannot generate the money for it... to pay off those bonds? That's what your legislation says, is that it takes the commission out of that line of... of liability."

Younge: "Mr. Speaker, may I take this out of the record?"

Speaker Hannig: "Out of the record at the request of the Sponsor. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or joint action motions were referred, action taken on March 30, 2004, reported the same back with the following recommendations: 'approved for

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

112th Legislative Day

3/30/2004

floor consideration' Amendment #1 to House Bill 4287, Amendment #2 to House Bill 4337, Amendment #1 to House Bill 4372, Amendment #3 to House Bill 4837, Amendment #3 to House Bill 6632, Amendment #1 to House Bill 6679 and Amendment #3 to House Bill 6902."

Speaker Hannig: "And just a point for the Calendar, and for the Members, the appropriation committees will meet immediately after we adjourn this a... later today. So, Mr. Clerk, would you read House Bill 4337?"

Clerk Mahoney: "House Bill 4337, a Bill for an Act concerning vehicles. Second reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Steve Davis, has been approved for consideration."

Speaker Hannig: "Representative Davis, on the Amendment. Representative Steve Davis, on the Amendment."

Davis, S.: "Yes, Thank you, Speaker, Ladies and Gentlemen of the House. Amendment 2 to House Bill 4337, it makes some changes that were requested, I believe, in committee and it also makes some changes that were requested by the National Transportation Safety people who brought this initiative to me. And, what it does is it allows the Secretary of State to require drivers who have been convicted of two offenses, to attend a traffic... a traffic school, before they have their third violation. These schools are set up all over the State of Illinois. They're run by various organizations; some of them are run by community colleges in the various the circuits in the state, some are run by

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

112th Legislative Day

3/30/2004

nonprofit organizations. I believe that the cost to go to these schools, they are already set up for drivers who... who can go to these schools if they have a moving violation. If they attend the schools they get the moving violation wiped off their record. What this does is require bad drivers, who have had two convictions in one year to attend one of these traffic schools. And it also... it exempts counties of populations of more than one million, which would exempt Cook County and I guess, DuPage County out of the program. Be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for the adoption of Amendment #2. Is there any discussion? And on the Amendment, Representative Black."

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

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

Black: "Representative, why would you take Cook County out of the a..."

Davis, S.: "I'm sorry, Representative Black, could you please repeat the question?"

Black: "Sure. Why... why in the Amendment would you take Cook County out of the legislation?"

Davis, S.: "Representative Black, I think that the reason they did, was because they don't have the school facilities set up in Cook County. I think the number of violations that would come under this Act would be almost a nightmarish scenario, if it were to happen in Cook County, and... that's

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

112th Legislative Day

3/30/2004

what they told me, the people that are asking me to run the Bill."

Black: "I was gonna say, seems like most of the moving violations and accidents would occur obviously more per capita in the most populated county, and yet they aren't included. And I've always found that if there's a business proposition, there're always people in the City of Chicago that would crank up these defensive driving schools rather quickly. I'm sure there would be hundreds of them overnight."

Davis, S.: "Well, maybe. Maybe I'll open one myself, will take it out... maybe both of us can open one up."

Black: "You... you said earlier that these schools were state wide. I... I'm such a good driver I've never had to go to a defensive driving school. I don't know that they're offered in my district, or around there."

Davis, S.: "Well, they're set up in judicial circuits, by each judicial circuit. So, I'm not sure what circuit you are in. But in..."

Black: "Oh, we're not in a circuit."

Davis, S.: "But, it's my understanding that..."

Black: "We have traveling... we have traveling judges that come in once a month."

Davis, S.: "That's my understanding as how they're set up; they're set up by judicial circuit."

Black: "All right. Now, you're not..."

Davis, S.: "You've probably never had a violation. So, that's why you've never had to go to one, I'm sure."

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

112th Legislative Day

3/30/2004

Black: "Well, haven't had for a while. I have had some."

Davis, S.: "Actually, I think they just kind of started this about six years ago."

Black: "Is this the judge will have to sentence you to a defensive driving school, or is it an option the judge can use?"

Davis, S.: "We're keeping the judges out of this. This is at the... this is at the option of the Secretary of State requiring this. And it is permissive for the Secretary of State to send notices to drivers who have had two convictions in one year."

Black: "Moving violations, right?"

Davis, S.: "Moving violations, correct."

Black: "All right. Okay. So, it is an initiative of S.O.S.?"

Davis, S.: "It is not, but they are not in opposition to it."

Black: "Okay. Did their liaison indicate to you they have the staffing to track and notify these people? I know there, like everybody else, the retirements have taken a lot of people out of various departments, but from what you're telling me, the Secretary of State has not indicated any opposition to this mandate, for lack of a better word."

Davis, S.: "Well, I think one reason that they're not opposed is because it is permissive and it's not mandated upon the Secretary."

Black: "Okay. Representative Davis, thank you."

Davis, S.: "Thank you, Representative Black."

Black: "No..."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Any further discuss... Any further discussion? Then the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read Senate Bill 1645?"

Clerk Mahoney: "Senate Bill 1645 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Phelps, has been approved for consideration."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 1645 deletes all the language and becomes the Bill. You probably remember this Bill as House Bill 4462 that we did right before the primary. This just maintains the status quo of the federal overtime, so that we won't have to be held by the whims of the Federal Government. I ask for the adoption of Amendment #1 to Senate Bill 1645."

Speaker Hannig: "And on the Amendment, Representative Parke."

Parke: "Thank you, Mr. Speaker. Your Amendment does what?"

Phelps: "This is just like in committee. This Amendment #1 just deletes all the language and becomes the Bill just like it was in House Bill 4462 that we debated on the floor a couple weeks ago."

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

112th Legislative Day

3/30/2004

Parke: "Does it add anything to the underlying Bill that you originally proposed?"

Phelps: "Representative Parke, this covers the Associated Firefighters more and the FOP. They asked us to do this and it gives them more protection and it just maintains the status quo for them. And some of them are in the gallery here today."

Parke: "Thank you, Representative."

Speaker Hannig: "Any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bills 6... Senate Bill 1645, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1645 is the same Bill we debated a couple of weeks ago, before the primary. This is supported by Comptroller Dan Hynes, the AFL-CIO, the laborers, UFCW, AFSCME, the Associated Firefighters of Illinois, the FOP, SEIU, various veterans groups. We just feel very strong on this that keeps the overtime like it was since 1938, at time and a half. If the federal regulations go through it's gonna be straight time. There's gonna be a lot of

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

112th Legislative Day

3/30/2004

nurses suffer; a lot of single moms, single fathers that... that need this overtime to make ends meet. And one thing I do want to say to my fellow Legislators, in Labor Committee the other day, there was a so-called nurses group that opposes this Bill. Let me make sure that you know that there is a huge difference between the two nursing groups that we're talking about. The one that was discussed in the Labor Committee was nursing executives. These are high level nurses who are part of management. This group includes the same folks who will try to come up to... of ways to avoid paying overtime. The group that is for this, and it represents over 6 thousand nurses in Illinois, is the Illinois Nurses Association. So, let's make sure we get our facts straight on this. The INA support this legislation. And the other thing I want to say is that this Bill does not supersede anything in collective bargaining agreements. So, with that, I urge an 'aye' vote."

Speaker Hannig: "And on that question, Representative Winters."

Winters: "Oh great, I just broke the... I broke my speaker off, and I'm not even wound up yet. Representative Phelps, have you ever heard of a deal? Have you ever been part of a deal?"

Phelps: "I have... I've heard of a lot of deals, yes."

Winters: "Well, have you ever been..."

Phelps: "My deal is..."

Winters: "...have you ever been in on negotiations? Have you ever negotiated anything?"

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

112th Legislative Day

3/30/2004

Phelps: "Absolutely, many times."

Winters: "Do you get 100 percent of what you want, when you negotiate?"

Phelps: "Absolutely not."

Winters: "Well..."

Phelps: "Sometimes I do, though."

Winters: "Well, that's... that's exactly the case with the federal update of the overtime laws. There's been a negotiation. And as part of that negotiation, both sides have given part of what they wanted. Neither one came out absolutely, absolutely satisfied with their position, but they were willing to give up part of their position in return for getting other parts of their negotiating position. Do you think that what... that this Bill, comparing it to the federal Bill, do you think this is a negotiated Bill where both sides are happy with it?"

Phelps: "Well, Representative, I would love to know who was negotiating, because this has been crammed down our throats, so to speak, by the Federal Government. I don't believe there's been any negotiations on this. Matter of fact, what the one thing that I want everybody to know is that this maintains status quo. We have adopted..."

Winters: "Ahh, but that's wrong. This does not maintain the status quo. If you wanted it to maintain the status quo, why didn't you then just pass or put in front of us a Bill that would rescind everything that the Federal Government is doing? If you want to maintain status quo, don't make any changes. But what you're doing, in fact, is you're

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

112th Legislative Day

3/30/2004

cherry picking. What you're saying is we like some of this, which is the Federal Government is updating after 40 or more years, we're updating the income levels. We're getting some of it out of it, so we'll accept that. But what you're not accepting is what had to be given up in return. You're taking one side of this Bill that was negotiated at the federal level and taking only what you want and rescinding everything that you didn't want. That is not fair negotiations. That is absolutely, absolutely unbelievable that you want to go in, after a decision has been made and say let's break the deal. We're the only state that wants to do this. There's no other Bills in the country that are advanced as far as this one, that would basically thumb your nose at the Federal Government saying, the deal that was worked out in Washington, while they think it's fair, while both labor and management have given up some of what they wanted and they're kind of accepting it, instead Illinois is going to set itself off alone. We're gonna drive workers out of this state when employers look at Illinois and what we're doing and say, why would I ever want to expand my operation in Illinois? Why would I ever hire another employee, if that's what the labor interests in Illinois want to do, is rescind any kind of negotiated agreements? I think it's patently unfair that we look at the decision that's been made nationally and say well, it wasn't perfect for us, therefore let's break it. I think that's what you're trying to do with this Bill and I think it is an absolutely absurd way to look at

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

112th Legislative Day

3/30/2004

negotiations at the federal level. Now, let's get back to the nurses, the firemen... from my understanding, and correct me if I'm wrong, are nurses currently mandated to receive overtime?"

Phelps: "Yeah."

Winters: "Under current Federal Law?"

Phelps: "Everybody is required to work overtime after 40 hours unless they're exempted."

Winters: "Are nurses exempt from overtime right now?"

Phelps: "If they fall in that after 40 hours, I assume yes, they do."

Winters: "Now, you... give me an answer, are they exempt or not?"

Phelps: "Yep. They're... No."

Winters: "They are exempt. They are exempt."

Phelps: "Some nurses, if their duties are management, will be exempted, yes."

Winters: "The vast majority of nurses today are exempt."

Phelps: "That's not... that's not correct, Representative. That is not correct."

Winters: "Well, that is our understanding from the Federal Department of Labor, is that nurses are exempt under the current statute that we're working on, they continue to be exempt under the new federal negotiated settlement."

Phelps: "Probably some of the nursing executives that you refer to are, but not the Illinois Nurses Association, Representative."

Winters: "I'm not talking about nurse executives, I'm talking about RN's, are exempt under the current federal

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

112th Legislative Day

3/30/2004

regulations of the Department of Labor. All we're doing in their case is raising the salary cap, so it would make them eligible, but they are not... now, I'm not saying that they're not being paid overtime, because that is something that organized labor has received in many of their contracts, they receive that as a matter of negotiations. They are covered by a... by overtime requirements. And in many cases where they're not represented by a nurses union, they get it simply because of the shortage of nursing staff. Every hospital administrator knows if I don't offer overtime I'm not gonna be able to hire a single RN. Would you say that's a correct statement?"

Phelps: "Representative, just real quick. Very few nurses are represented by union contracts in this state. Very few."

Winters: "Correct. I... I understand that and those that are not represented by unions also receive overtime benefits simply because of the supply and demand of nurses in the current market. There have always been too few nurses without a hospital saying we'll cover you for overtime, then they would never be able to hire a nurse. They'd all go to another hospital that offers them that."

Phelps: "Yeah, if the federal rules come into effect they will be exempted, I mean that's for sure."

Winters: "I will simply reiterate, though, that the reason that nurses are paid overtime today is not because they're covered under current existing federal labor statutes, but because they have negotiated that either in union negotiations under their private... or under their private

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

112th Legislative Day

3/30/2004

negotiations before they're hired by a hospital. They are not covered by the federal labor regulations today."

Phelps: "Representative, you know how much I respect you, but I think that's just one thing I think we're just gonna disagree with. I really do. And when you refer to the salary test, this will make everybody know what... what they're voting on for sure. President Bush, that is his initiative, that's gonna happen regardless if this Bill passes or not. That's gonna go into effect by April 1 is the upgrade on the salary test."

Winters: "And that's exactly what I pointed out, is that was part of the negotiations at the federal level. Manufacturers gave up the higher... manufacturers and other employers, gave up the higher levels in return for streamlining the process of determining who is exempt and who's not exempt."

Phelps: "Representative..."

Winters: "It was a tit for a tat. Each side gave up something. What you're going back in is... what you're doing is going back in and saying we'll take what you gave us but we won't give what we agreed at the federal level to give up. I think that's the way it is. Can you... can you explain how firefighters are currently treated?"

Phelps: "EMTs, paramedics, some FOPs, some firefighters, if these new rules go into effect, they could become a learned professional and be exempted from overtime. And I know there's a lot of firefighters that would not want that to happen."

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

112th Legislative Day

3/30/2004

Winters: "Well, our analysis is that at this point you would have to be an executive such as a police chief... chief of police or one of his deputies, the one directly in management with hiring and firing powers to be exempt from overtime. Other than that, then you would not be exempt under the current Federal Laws."

Phelps: "Under current rules, that is correct..."

Winters: "And you're saying that..."

Phelps: "...But not under the new rules. The current rules, 'yes', under the new rules 'no'."

Winters: "Well, we obviously don't read the new rules the same way."

Phelps: "Because no longer will you have to have a degree to become a learned professional."

Winters: "I'm sorry."

Phelps: "Because you will no longer have to have a degree to become a learned professional under the new rules."

Winters: "You could get it through years of experience..."

Phelps: "EMTs and paramedics."

Winters: "...rather than having a specific degree... degree. Is that what you're saying?"

Phelps: "Yeah, right. And that will start including EMTs and paramedics."

Winters: "Well, again... again, and I'll... I'll read this from... I'm sorry I don't... the statement that I have here, both under current and proposed federal labor stand... standards, paramedics and other first-responders as well as police officers are eligible currently for overtime. And they

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

112th Legislative Day

3/30/2004

would be under the proposed one. So, again, I think the whole issue on this is we're trying to go back in with a..."

Phelps: "Representative, that's not what the firefighters believe, though. They don't believe that at all, that's why they came to us with the FOP and wanted to make... to make sure they were protected. And... and as I do, because this Bill's gonna affect almost 400 thousand Illinois workers. I don't care if we're... we should be the first on to protect our workers and that's why I want to do... be honored to do this Bill. Kentucky, California and Alaska is already starting this too, and then I think you're going to see a windfall of states follow our lead."

Winters: "Okay, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Winters: "I think the main message that I want to give to this chamber is that we're trying to go into a federal negotiated agreement, one where both man... employers and employees have given up some of their perfect position. Much as our agreed Bill, they don't get to 100 percent satisfaction. The legislation that we have here in front of this chate... state chamber, though, basically takes what one side has given but doesn't take what the other side is given. I think it's patently unfair to try to renegotiate a federal negotiated agreement at the state level. I encourage a 'no' vote. And, Mr. Speaker, could you get my mike fixed?"

Speaker Hannig: "Representative Eddy."

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

112th Legislative Day

3/30/2004

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

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

Eddy: "Representative, I have a... I have a couple questions about this because as I read it I'm a little bit confused as to all of the folks that might be affected by this. Specifically, what educational or school personnel will be affected by this Bill?"

Phelps: "If you're covered by a collective bargaining agreement, you're not gonna be affected by this anyway, cause this does not supersede collective bargaining agreements. And most of your schools, I would say, have collective bargaining agreements."

Eddy: "So, any... any individual who is covered by a collective bargaining agreement would not, because their salary is set by that. Is that correct? What about individual management people who are not covered by collective bargaining? And I'll give you an example of a few that I'm... I'm thinking of; business managers, transportation directors, athletic directors who are not part, but are instead covered by management contracts. I'm trying to think about those instances that are not covered by collective bargaining that could be affected by this."

Phelps: "Representative, it just maintains the status quo on every one you just said."

Eddy: "So athletic directors, deans of students, department heads, transportation directors, head custodians, food service directors, all of those quasi administrative, who

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

112th Legislative Day

3/30/2004

are not part of a manage... or collective bargaining are... are not affected by this..."

Phelps: "If they're exempt today, from overtime, they'll be exempt when this Bill goes through."

Eddy: "Well, the Bill references E2C of the Labor Standard Act as the reference for definition of 'government employees'. And that reading, that specific reading to me, did not include school personnel as being exempted because they weren't listed as school employees."

Phelps: "They're... they're covered underneath the administrative, executive, and professional part of that."

Eddy: "But E2C of the Labor Standards Act is the legal definition of 'government employee', as far as this is concerned. And I'm wondering if school district personnel fall under the 'government employee' definition there or if they are exempted and covered by the contract that was mentioned earlier. Now, understand I'm concerned about any misguided intent of this legislation as it relates to school employees because under the rules that we are decoupling from, my concerns are better defined. And I think that it's important that we do not decouple, because I have a fear because of the government employee definition in EC2 that we might be including some of those in the government employee that are better defined in the language we are decoupling from."

Phelps: "Representative, those examples you gave are exempted as bona fide executives, administrators and professionals."

Eddy: "Even if they're government employees?"

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

112th Legislative Day

3/30/2004

Phelps: "Correct. Correct."

Eddy: "Okay. I thank you for the answer to the question, however... to the Bill."

Speaker Hannig: "To the Bill."

Eddy: "I just... I just have some concerns about the philosophy of the decoupling, number one. But certainly, although I am not going to dispute heavily the... the... the answers that the Representative gave, I think we have to be more cautious about this and make sure that we... we know for certain that those school officials are not government employees. Otherwise, we are looking at some incredibly, possibly incredible increases in cost for school districts. I would urge the Members to vote 'no' on this Bill until there's a specific reference to those employees at least. And, in addition, the decoupling effects that were mentioned earlier should be considered. Thank you."

Speaker Hannig: "Representative Steve Davis."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. I rise in strong support of Senate Bill 1645 and I'll tell you why. If we don't pass this Bill 400 thousand people in the State of Illinois are going to lose wages. It's very simple. You know four and a half weeks ago we had a very spirited debate on this issue. I think both sides of the aisle understands the issue very clearly, but for me there's only one issue and that issue is fairness to over 400 thousand Illinois residents, 400 thousand hardworking people in the State of Illinois. If you want to vote 'no' against 400 thousand people in the

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

112th Legislative Day

3/30/2004

State of Illinois then be my guest. But I would encourage everybody on my side of the aisle, especially, to cast an 'aye' vote for this Bill. Thank you."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "Yes, state your inquiry."

Black: "Thank you. Is this Bill on Postponed Consideration?"

Speaker Hannig: "Mr. Clerk, what is the status of this Bill? Is it on Postponed Consideration?"

Clerk Mahoney: "Senate Bill 1645 is on the Order of Third Reading."

Black: "Oh, thank you, then the Postponed Consideration Bill was amended onto this Bill. All right, thank you. Will the Sponsor yield?"

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

Black: "Representative, the last time you and I debated this Bill I got confused and thought it was a Department of Natural Resources Bill on the hunting of weasels. I... I stand corrected. It didn't have anything to do with that. Let me just ask you a question. Now, this Bill was on a fast time track just before the primary. Now, the primary's come and gone, so we didn't have to fast track it maybe as much as we thought we did, right?"

Phelps: "Well, we wish we could have now, because we're still lagging behind on this. 'Cause this is gonna go in by April 1, so we're try... trying to hurry to get to the Senate."

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

112th Legislative Day

3/30/2004

Black: "Okay. Can you tell me... the previous speaker... let me just back up. You know, you can package yesterday's fish sandwich in gift wrap, but it's still yesterday's fish sandwich. All right? So I get a little perturbed when people get up on your side of the aisle and tell me that 400 thousand people aren't gonna get overtime, and were gonna destroy the fabric of western civilization as we know it, if this Bill doesn't pass, while crying real alligator tears. The bottom line is this, have the federal rules been written and adopted as of this date?"

Phelps: "They should be adopted later this week."

Black: "Well, that answers my question. There are no federal rules that have been adopted. So, you're... you're a fair man. Is it accurate to say that 400 thousand people are gonna lose the ability to draw overtime if we don't act on this Bill today?"

Phelps: "Representative Black, in all due respect, very much so. Quite possibly, I would say, because we know what the rules are gonna be. Secretary Chow, President Bush have said this is the way it's gonna be. It's gonna happen by April 1, no negotiations. So we're just doing our part to try to protect those 400 thousand workers that are gonna be affected here in Illinois that are gonna go to straight time. But, Representative, the thing about it is, this is something that we are all used to because this has been going back since 1938. The business community is used to this and so are we. So, that's why we are just maintaining the status quo."

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

112th Legislative Day

3/30/2004

Black: "Oh, I know, Representative, I was here in 1938. I remember it very well. Do you know how many comments the federal agency has received on their proposal? And it isn't done yet."

Phelps: "The way I understand, thousands and thousands."

Black: "Over 80 thousand comments. So, it is not beyond the realm of believability to think that these rules may be changed, might be altered. You know, like Harry Caray, it might be, it could be. Who knows? But, you know, I... again I don't think we have to hype it. I don't think we have to scare people. I've looked at these rules, and I'll be doggone if I can figure out, even if they were implemented as originally introduced, it's very difficult to figure out who's gonna be qualified for overtime and who isn't. It's really gonna take some time to figure this out. But... but given that, let me follow up on what something my good friend and colleague, Representative Eddy said. When I read this in some detail, I, for the life of me, I couldn't understand... you tell me, 'cause I... I can't figure it out. If I'm on salary and I'm asked to work a ten-hour day or a twelve-hour day, or I'm asked as part of a management team to come in over the weekend and do a task, am I going to be eligible? As I understand it now, I'm not. But am I gonna suddenly be eligible to say, well, I'll come in the weekend, but you're gonna have to pay me time and a half, but I'm on salary."

Phelps: "Representative, it's the same as it is today."

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

112th Legislative Day

3/30/2004

Black: "Okay. And I think... I think what Representative Eddy was trying to say... there's some confusion, for example, people that I've grown up around and known and respect, I know people that coach high school athletics, basketball, baseball, football. These people put in a tremendous number of hours of work, I mean, their full day at the school, maybe three hours of practice after school, film sessions, skull sessions, travel to football games that might be a two... you know down in your area too, and they often end up driving the bus on top of all that. So, it's not unusual for a football or a basketball coach at a rural school to put in 75-80 hours a week, but because they're on a contractual pay basis they've never been eligible for overtime. And I don't see that changing, do you?"

Phelps: "No."

Black: "All right. So, if what you're telling me is true, it is people that are not covered under a salary agreement or a... a certain contractual agreement that may no longer be eligible for overtime, that your Bill would try to lock them in place. Correct?"

Phelps: "Correct, Representative."

Black: "All right. For example, when I grew up in Danville, our biggest employer was the General Motors foundry. It's gone, I wish it wasn't, but it is. And I knew a lot of people... went to school with a lot of people that worked there. And if you were an hourly worker at the General Motors plant, there was no question in your contract what you were going to be paid for straight overtime, weekend

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

112th Legislative Day

3/30/2004

overtime. I mean there was time and a half, there was double time and I think in some instances it could be double, double time. But that was all contractually bound. Now, if that plant were still operating and even under that contract, if the federal rules, as introduced, were adopted, could that abrogate that contract for hourly workers?"

Phelps: "Collective bargaining agreements take precedence over all of this."

Black: "Okay. All right. So, a collective bargaining agreement would not be impacted by the federal rules?"

Phelps: "Correct."

Black: "Okay. I see some firefighters in the gallery and they have my... they've always had my support and my respect, doubly so since 9-11. If... if... in the City of Danville I believe they are covered under a collective bargaining agreement. They're 24 hours on, 48 hours off. Now, there's nothing in the federal rules that would impact their... their current contract. Right?"

Phelps: "Correct."

Black: "Okay. So we're talking about... and we don't know whether it's four hundred thousand workers, five hundred thousand workers or a hundred thousand workers, but basically it's aimed at people not covered by a collective bargaining agreement and not currently classified as management people. Correct?"

Phelps: "Correct."

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

112th Legislative Day

3/30/2004

Black: "Okay. You know what, Representative, you've done such a good job and now that I am not confused and think it was some kind of change in the wildlife code, I guess from what I've read and what you've told me, I still think the federal rules may change. They may not, but it appears to me that even three weeks ago you may have been right, I may have been... and it pains me to say this, wrong. So, it isn't the first time, Representative, probably won't be the last time. I appreciate your diligence, I appreciate you answering the questions and I really appreciate you not getting too upset with me when I referred to you as under something of the hunting code, three weeks ago. Thank you very much."

Phelps: "Thanks, Representative."

Speaker Hannig: "Representative Soto."

Soto: "Thank you, Speaker. I move to the previous vo... to the previous question."

Speaker Hannig: "The Lady moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the main question is put. Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You heard the debate. I won't take long, I just want you to know that AFL-CIO, the firefighters, FOP, laborers, UFCW, AFSCME, all the veterans organizations support this. I urge an 'aye' vote and thank you very much."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Joyce. Mulligan. Wait. Would you like to weigh in? Mr. Clerk, take the record. On this question, there are 82 voting 'yes' and 32 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 6989?"

Clerk Mahoney: "House Bill 6989, a Bill for an Act concerning child labor. Third Reading of this House Bill."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 6989 amends the Illinois Vehicle Code to authorize that the director of the Illinois Emergency Management Agency to make grants of monies from September the 11th fund. Previously, this particular agency... the commerce and economic opportunity administer this program. The reason why we're... we're doing this particular change because the Illinois Emergency Management Agency would disperse these funds to the Illinois Terrorism Task Force, and then that particular task force will disperse the amount of dollars to two different entities. One is the Illinois Law Enforcement Alarm System and the other is the Mutual Aide Box Alarm System. These two associations represent law enforcement and fire services in Illinois... on Illinois Terrorism Task Force. These funds will be spent on equipment or training... training to local governments

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

112th Legislative Day

3/30/2004

that would prepare and protect them from acts of terrorism.

I ask for a favorable vote for this legislation."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Would Representative Jefferson and Steve Davis care to vote? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, you wanna read... would you read House Bill 4265?"

Clerk Mahoney: "House Bill 4265, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Poe."

Poe: "Mr. Speaker and Ladies and Gentlemen of the House, this is a Bill that could get rather complicated or it could be pretty simple. It depends how we want to pursue it. But what it is, it provides a tax equivalent grant for the Springfield school districts. And not only like your schools, but our school here in Springfield is running in deficits and been pretty hard to make the budgets. What this Bill would do, there's a large amount of state-owned property in Springfield and the school district has no access to that. And I know that's not unique to some other cities around the state, but I think the reason it's unique in Springfield is because it's such a large mass. Just in Springfield alone, we have 7,604,938 square feet of

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

112th Legislative Day

3/30/2004

buildings which represents 349 buildings in Springfield. And that's not accessible to property taxes for the City of Springfield. And what I'd like to do is I wanna make sure... there's two things that I want to point out. This is a strictly... if it... under appropriations, just if it's funded and then also I think we gotta look at it as we don't want to take any money out of the education fund. I think when we come to the state property it ought to be some property taxes here in Springfield, almost like the part of doing business. It's like paying your light bill, your phone bill and your heat bill. This is something that I think the city... or the state could contribute to the schools, since it's a large percentage of the assessed value. In Springfield we operate off of \$1.56 billion assessed valuation and this property roughly figuring is \$1.14 billion and it's such a large percentage that we would like to have some reimbursement. And again, I'd like to... hope that that could be a tax equivalent grant and that's something we could consider as a part of doing business and something that wouldn't take money away from education. But this all depends on appropriations, so, if we pass it, it still might not be funded. It depends on the budget. I'd ask for a favorable vote."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I stand in strong support of the Bill. If you'll notice, it's subject... I believe the Bill

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

112th Legislative Day

3/30/2004

is subject to appropriation and I don't think we're gonna solve this crisis overnight. I will just simply say that this is not a unique nor new idea. The City of Danville, my hometown, has a very large veterans' administration medical center, not as big as it used to be, but covered several acres. Well over a hundred acres when it started out, right after the civil war, in the late 1890's as an old soldiers' home and it has evolved now into a department of veteran affairs medical center. That... that federal installation has given the City of Danville, over the years, a payment. Now, I'm assuming they still do, but I may be wrong. They have given the City of Danville a payment in lieu of property taxes because the city provides fire protection. The city generally will respond if they need additional law enforcement, although the veterans' administration facility does have their own police force. This is and I know many of you are concerned because this could have ramifications for almost every community in the state. But I think it has very serious ramifications for a City like Springfield, where you have so many state government buildings that are not on the tax rolls. It has serious ramifications for a city like Urbana, where the University of Illinois is located. And I know that many of you would say, well, I have a state park. I have a state office building. We're not going to solve this problem by the passage of this Bill and I don't think the Sponsor would indicate or say to any of us that this will solve it. But it is something we're going to have to take a look at

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

112th Legislative Day

3/30/2004

when you have a major state installation in your district that begins to take up as many tax exempt parcels as you have taxable parcels of land. Then there should be either a payment in lieu of taxes or something, because I don't think it's fair that the City of Springfield provides fire protection to all of these state buildings, police protection, all kinds of services and yet they get absolutely no money for those services. And it certainly has an impact on the school system in the City of Springfield. I commend the Sponsor for bringing this. I know many of us over the years have thought about the impact of government property and government buildings on our communities. Certainly, it's probably a greater impact in Springfield than it is in my hometown of Danville, and I know it's a great impact in the City of Urbana and Champaign because of the University of Illinois. I don't know that we'll ever find an answer; I don't know that we'll ever find a solution, but it should come to the forefront. It should be debated, it should be discussed. And at some point, when budgetary matters are more favorably able to be considered... it's just a matter of simple fairness, that there could be or might be some kind of payment in lieu of property taxes to schools or municipal governments for providing the services to children or providing the services to the state facilities in lieu of property taxes. I think the Gentleman has an excellent idea. I hope you'll vote 'aye'."

Speaker Hannig: "Representative Franks."

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

112th Legislative Day

3/30/2004

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

Speaker Hannig: "He indicate... he indicates he will yield."

Franks: "The w... Representative Poe, the way you've written this Bill, is it only applicable to Springfield?"

Poe: "Ye... Yes, at this time, and I'll tell you why I think it's unique, is the amount. And these are rough numbers that we have come up with working with CMS and there's... it's 42 percent of the total assessed valuation of Springfield that the school district has no chance of drawing any money off of and like many other school districts they've did a good job. They've made \$13 million worth of cuts in the last three years. They've eliminated 200 staff, but there's still those financial needs and it's sort of at a point where we need to be capturing something off of this large amount of state property in the City of Springfield."

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

Speaker Hannig: "To the Bill."

Franks: "I certainly respect what you are trying to do, Representative, and we're all sympathetic, but what this Bill really shows is an indictment on the entire way we fund our school education. We need to get away from property taxes. This is a small solution for one area. As the previous speaker had said, we all have the same problems. In McHenry County, where I represent, we have state parks that have a lot more acreage than what we're looking here in Springfield. This is not the solution, because the money that would be sent to the Springfield

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

112th Legislative Day

3/30/2004

schools are gonna be taken out of everybody else's schools. What we really need to do here is require that we have a Special Session of the General Assembly dealing only with school funding and taking it off the burden of the property tax. Because until we fix that, every person is gonna be coming with Bills like this. These all have merit, but we can't do this, folks. We need to take a stand. We need to tell the Governor, let's call a Special Session of the General Assembly and let's fix our school funding problem. We need to get rid of this antiquated formula that doesn't work, that puts 80 percent of our schools in deficit spending. And where schools, such as in Springfield, have cut to the bone, and have cut \$13 million and have done the right thing, they're still put in these types of prepositions. Enough is enough. Let's scrap our system. It does not work. Passing this Bill is putting a band-aid on a corpse. Vote 'no' on this Bill and let's stand together and require real change."

Speaker Hannig: "Representative May."

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

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

May: "Yes, what is the cost of this? In other words, how much money will the Springfield school district get, under this formula?"

Poe: "First of all, it's subject to appropriation, so if it's not appropriated through the budget process it might be nothing. But there's... there's several ways we can look at this. There was a fiscal note filed, they said a hundred

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

112th Legislative Day

3/30/2004

and sixty-five thousand, but they said there was only like 569 acres. But like Mr. Franks said, I think we probably got more acreage than he realizes. We have 2,192 acres in this district, so if you figure it on that basis, it'd be 644 thousand. Now, if you took the land in, in improvements, then we're... you're talking a lot of money. So, basically, what I'm doing today is... what the concept, that I think, as Legislators, you come to Springfield and it's part of doing business. The State Capitol is in Springfield, you wanna make sure we have a good school district. And whenever you got \$1.14 billion worth of state property not being taxed is a larger percentage than anyone else as far as dollars, I'm sure, in the state, as far as compared to the total. So, we're... it's a little gray yet as to those numbers where we're at, because we're get... County... county board of assessments tells me 21 hundred acres, they said like 649, so it's a difference... a discrepancy, right now, of what that is."

May: "Okay. Thank you. To the Bill."

Speaker Hannig: "To the Bill."

May: "Representative, I commend you for fighting for your district, but I tell you, I am very familiar with this concept, because I tried to use the very same concept of this Chaney-Monge Bill to help the schools in North Chicago and in Highland Park and all the places where military districts are located. I begged for votes. Everyone downstate voted against it and said this is not fair. It passed because of my hard work as a freshman. We have 10

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

112th Legislative Day

3/30/2004

different military... school districts in this state that are affected by military bases. I will tell you that there was 5 hundred acres right in the northern part of the state that probably had the same price tag that I fought for. It is a slippery slope. Many of the people who are now speaking in favor of this voted against it and spoke against it at the time. So, we can't arbitrarily pick one area where we will support this and say it's right and in other areas it's wrong. A minority community in North Chicago, has poor people, they are losing millions of dollars because the Federal Government pays no taxes, they a... and Representative Franks is right, the system is broken. But it's just capricious and arbitrary to pick one over the other."

Speaker Hannig: "Representative Stephens."

Stephens: "Point of clarification. I'm not so sure that the Lady's Bill was opposed by all of us downstate. I... I seem to remember that Bill, and I think that several who had military installations in their district might have supported that. I might be wrong, but I didn't want to be guilty by association."

Speaker Hannig: "Thank you, Representative Stephens. Representative Lang."

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

Speaker Hannig: "He indicates he will."

Lang: "Representative, other than the fact that you represent the school district in which the State Capitol is located,

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

112th Legislative Day

3/30/2004

is there some other public policy reason of why you want us to pass this Bill?"

Poe: "I just feel that, you know, whenever we come to town and we're very proud of the State Capitol being here, but unlike probably to take Decatur for example, who has large manufacturing that does pay property taxes, we don't have that. Maybe... maybe it is for Springfield 186, but maybe it's an issue if we can pass it, we could keep it going and maybe it's an issue that does affect different parts of the State of Illinois, and we ought to look at it altogether. I think Representative Franks mentioned that he'd like to change the way we fund education. I think Representative Black has a Bill to amend the Constitution that's hung up in rules, so, maybe Representative Franks can get... can help us get that out, and maybe we could have a new Constitutional Amendment the way we fund schools."

Lang: "Well, Representative, I think we'd all like the kind of help you're trying to provide to just your school district. You know I have great respect for you and as I said about Representative Wyvetter Younge's Bill earlier, I always applaud a Legislator who is trying to help his or her own district. But would you be willing to take this back to Second to add an Amendment to help some of the schools in my district that need some help?"

Poe: "Absolutely, if you can guarantee we'll call it again by Friday."

Lang: "And then would you be willing to take it back to Second to add an Amendment for the school districts in David

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

112th Legislative Day

3/30/2004

Miller's district, or Rica Slone's district, or Dave Winters' district? I mean should we add an Amendment for every school district in Illinois?"

Poe: "I think... I don't think you have to do that. I gotta hope you realize, that if you can find a school district that has \$1.1 billion of the state property in it, and only has a \$1.56 billion total assessment, I don't think you are gonna find that percent... percentage all over the State of Illinois. As far as government, we don't... I'm not counting the city, the U.S. government and all the other districts that the rest of us have, also. But we don't have access to over half... 50 percent of the assessed valuation here in Springfield."

Lang: "Well, you know, you talk about those military bases but the military bases have children. There's no children living in the State Capitol. We have a few that visit from time to time, but none that actually live on state grounds. So, are you suggesting, Representative, that somehow the school children of Springfield are disadvantaged because the State Capitol is here?"

Poe: "I'm not... I'm gonna say the school district is at a disadvantage to not being able to assess the property to collect property taxes."

Lang: "Thank you. To the Bill. Mr. Speaker, Ladies and Gentlemen, again I applaud any Legislator who stands on this floor and tries to help his or her district. That's what we're here for. But we also have a title and that title is State Representative. And we have a

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

112th Legislative Day

3/30/2004

responsibility to every child in the state to provide them a quality education. I don't think we can piecemeal quality education. I don't think we can take one school district and enhance it over the others. Indeed, when we had a couple of school districts in crisis over the last couple of years, we've had to bring Bills to the floor to take the power away from their local school boards and give it to a special task force. Again, I applaud this Legislator, Mr. Poe, but I don't know why we would be in a position on the floor... want to be in a position where we're taking money that belongs to all of us and give it to one school district, when virtually every one of us has a school district that has a need. I was lucky this spring, three of my school districts passed school referendum. But I would bet in a lot of the school districts that many of you represent you weren't so lucky. Your taxpayers didn't want to foot the bill for better schools. We need to have a better approach. Representative Franks was right on the button. But a piecemeal approach to dealing with the problems of public schools is not good for the taxpayers of Illinois and it definitely is not good public policy."

Speaker Hannig: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And Representative Poe to close."

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

112th Legislative Day

3/30/2004

Poe: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House. I would like to emphasize that this is subject to appropriations and if we think back a few years, there used to be a state impact fund. And if we remember what that was, that was an impact fund that property taxes in the State of Illinois all over... and maybe this is something that we need to bring back up and talk about. But I'd like just to emphasize again, 7,604,938 square feet, 349 billion is the city... the school district has no access to property taxes. There's 2,192 acres in this school district that the state owns and has no ability for property taxes. I would like to see us pass this out... here today. And let's work with the Senate Sponsor, and if we need to make some Amendments that would work with the impact fund or work a way we can help other school districts around the state, that's fine. But I still challenge you, whenever you have a school district that operates off of \$1.56 billion of total assessed evaluation, and this... the unfunded state property that we can assess is 1.14 billion. That's a large percentage and I challenge you... to that... to any other district and I think that's why this is a special needs for the Springfield area. And I'd appreciate a 'yes' vote."

Speaker Hannig: "So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hoffman and Moffitt. Representative Hoffman. Have all voted who wish? Mr. Clerk, take the

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

112th Legislative Day

3/30/2004

record. On this question, there are 48 voting 'yes', 64 voting 'no'. And Representative Poe, do you request postponed? The Gentleman requests Postponed Consideration. Mr. Clerk, would you read House Bill 4086?"

Clerk Mahoney: "House Bill 4086, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We've had plenty of debate on this Bill. I've pulled this Bill out of the record twice; have talked to the Gentleman in opposition of the Bill. I have followed up some of their leads, which have led to nothing. So, I ask for an 'aye' vote on this Bill. It's simply asking for four reports to be sent along with the death certificates, to the Department of Children and Family Services. Also, it's asking for the trauma units to keep track of every death... not every death, but every injury of a child who was involved in a back over or power window accident. And I think it's the... in the best interest of the state to know how many accidents are occurring of this nature. I'll take any questions."

Speaker Hannig: "The Lady has moved for passage of House Bill 4086. Is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. The... the Sponsor of the Bill is certainly trying to do her very best to get some information that she wants on children who are killed

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

112th Legislative Day

3/30/2004

in accidents where the parent or a family friend, grandparent, backs up a car, truck and backs over a child. And that information... I can understand why she would want that. She also wants information on children who are killed as a result of power windows, that aren't able to be locked out. I have talked with her many times. I know other people on our side of the aisle, on both sides of the aisle have. We would try and do anything we could to help her with this Bill, but this Bill is not drafted properly and unfortunately will not do what the Lady would like to do. Now, I... I talked to the head of the child death review team in Cook County. Cook County has two teams. I talked to a Diane Scruggs, who is the Chairperson of the Cook County Death Review Team, team B, and talked to her about this Bill. The death review teams are made up of volunteers, they are not paid and as Diane Scruggs told me, if you make these child review death teams review every death certificate and coroner inquest, if there is one, on every child that dies in the State of Illinois, they can't handle it. They will simply be overwhelmed. They have no staff. They are volunteers. They could not handle the sheer volume of work that they would be given. They meet about twice a month and what they do currently is to go over death certificates of people who are wards of the state or have been involved in the child protection association... or the child protective association entities in the State of Illinois. They do not go into detail on the other death certificates unless they have a feeling

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

112th Legislative Day

3/30/2004

that there was a possibility of abuse. So, if you suddenly pass a law that says every death certificate must be reviewed by these death review teams, and these people are volunteers, they simply would not be able to do their work. And I daresay, although this is not what Ms. Scruggs told me, many of them would simply not be able to serve on the committee. We have offered suggestions. We think there is a way to get the information that she wants through the Bureau of Vital Statistics. We would help her in any way possible to do that. We are not against what she is trying to do. We simply feel compelled, based on what we have been told by the Department of Children and Family Services who do not support this Bill as it is drafted, for the simple reason they can't handle the work load. We will work with the Sponsor in any way, if she asks us to or if we are given an opportunity to do so in the future to help her get these statistics. But many of us who have talked with the department, have understood how the child death review teams work, cannot in good conscience vote for this Bill that will simply have an adverse effect on what these child death review teams were originally set up to do. And I again emphasize to you, these are volunteers. And in it's current form the Bill seems not willing to address that fact and it would probably have the opposite effect that the Sponsor intends. And it's for that reason and that reason alone, that I intend to vote 'no'."

Speaker Hannig: "Representative Flowers."

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

112th Legislative Day

3/30/2004

Flowers: "Thank you, Mr. Speaker. I rise in support of the Lady's Bill and I'm just curious, Representative, how many children, approximately, die a year in the State of Illinois?"

Graham: "Thanks for asking that, Representative Flowers. The State of Illinois currently does not track the number of children that have been backed over or killed by power window incidents. I have gone to the Department of Vital Records asking for the statistics. They can tell me how many children that were hit by a car, but they cannot tell me how many children that were backed over by a car or killed in power window incidents. Also, Representative, I'd like to add that the mission of the child death review team is simply to review cases at random. This Bill will not make the Illinois Child Death Review Team review every record. This Bill simply asks that detailed reports be sent with the death certificate to the Department of Children and Family Services. The Illinois Child Death Review Team will not have to review every single record. They review records of children that were involved with DCFS in the prior 12 months or has some sort of involvement with them, to see if DCFS has made the right ruling in the child's death. They will not have to review every single death cert... report. These reports will simply go along with the death certificates, so that if questions come about, that these statistics will be gathered for that information."

Flowers: "Thank you. To the Bill."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "To the Bill."

Flowers: "Mr. Speaker and Ladies and Gentlemen of the House. You know if we can't take care of the least of thee, our children, we really shouldn't be here. And what the Lady is merely asking for is an account. If children were getting their necks caught in power windows, there's a manufacture problem that the car dealers needs to know about or the car manufacturers needs to know about. If the children were getting their hands amputated in the trunk of a car because of the automatic trunk going down, the car manufacturers need to know about that, as they have done so they can fix that problem so, so many children would not be harmed by something that they could fix, but if they don't know about it they can't fix it. So, what we're trying to do here, Ladies and Gentlemen, is to help the manufacturing industry to help protect our children. If children are ran over because they cannot be seen and if there's some type of mechanism or if they die as a result of that, we just need to know about it. And it will not cost this state another penny. Hopefully, hopefully, there's not that many children dying in this state, but in the mean time, we don't know that. And I think this issue is too important to some mother's, some father's precious child. If only they had known. They would have loved to have this item. They would pay for it themselves if it would have protected their child, if it would be that their children would be here today, had they only known. I commend you for what you've done. I know that you have taken this Bill out of

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

112th Legislative Day

3/30/2004

the record on numerous of occasions. You've worked in good faith. As a result of this Sponsor acquiescing to a lot of your answers and questions and concerns about this Bill, I would appreciate a 'aye' vote and if she needs to continue to work on it, I'm sure she will promise to do so in the Senate. But our children's lives are depending on this and if there's a problem, let's fix it today so it can be resolved tomorrow. Thank you very much."

Speaker Hannig: "Representative Brady."

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

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

Brady: "Ladies and Gentlemen of the House. I just want you to know that the Representative and I have... had a couple different discussions regarding this Bill. I'll be truthful with you, there's still a lot of gray area as far as I'm concerned. All I can offer to the Representative and to you my colleagues, is all of my adult life as a funeral director and coroner and member of a child death review team, of knowing that the means of which this Bill is attempting to go, is not the way I believe, for what it's worth, that we can accomplish what the Representative's trying to do. I pledge my support to continue to work with the Representative. The Illinois Coroner's and Medical Examiners Association would be happy to work with the Representative. But I... I just caution you, Ladies and Gentlemen, this, is that we do so many things here in Springfield that has unintended consequences

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

112th Legislative Day

3/30/2004

that this Bill has the making of exactly that. The unintended consequences is what is going to be sent and to whom. And that's still very, very much a gray area. And just to close, Representative Flowers was won... maybe 100 percent correct, and that is that it may be no additional cost to the state but be assured that it's gonna be additional costs to your local county government when they have to prepare and send these records to a review team or to DCFS, which much of this information can already be accessible. There's more efficient ways to do it. We're all looking for more efficient ways in government to do things and I firmly believe that there's more efficient ways to do this. Thank you very much, Mr. Speaker."

Speaker Hannig: "Representative Colvin."

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

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

Colvin: "Representative Graham, did you talk to any state agency with respect to any departments that keep vital statistics for the state?"

Graham: "Yes, Representative. I spoke with the Department of Vital Records. And when I spoke to them asking them for statistics for children who have been backed over or power window accidents, he told me that... that it was coded. He can tell me the number of children that had been hit by a car and he definitely could not tell me the number of children that had been rolled up in a power window. The death certificates were vague in terms of how a chil... a child actually died or maybe the method. They would get

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

112th Legislative Day

3/30/2004

the death certificate and just try to chart that incident per whatever the data was on the death certificate with not a lot of detail."

Colvin: "So, a child who is killed by being backed over in his driveway or a child who is killed in a car accident on the Dan Ryan is codified the same way right now?"

Graham: "Yes."

Colvin: "Okay. Wow. And you may have mentioned this and I probably wasn't listening, I apologize if you did. But the mission of the Department of Children and Family Services Child Death Review Team, what's their goal? I mean, what do they do when something like this happens?"

Graham: "The child.. the Illinois Child Death Review Team simply views at random, not every single case that goes to the Department of Children and Family Services. It views at random the cases to make sure that the Department of Children and Family Services has made the right ruling in a child's death. Because any death statute that says a child dies before their time, we need to take a look at it. If the child has not died of some sort of illness, but has died because they were drowned, shot, they need to take a look into it. So, the death review team reviews at random to make sure that the Department of Children and Family Services has made the right ruling."

Colvin: "I wanna stick with that first point that you mentioned and what I find particularly troubling in this argument is that a child who is killed by being backed over in their driveway is codified the same way as a child who is killed

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

112th Legislative Day

3/30/2004

in a car accident as, you know, going 80 miles an hour on the Dan Ryan."

Graham: "Yes, according to vital records."

Colvin: "So, in other words, it would be hard to extrapolate or make any real determination whether or not it's a real problem of kids being backed over or kids having their necks caught in electric windows that roll up, because it's all put in one lump sum category."

Graham: "Yes."

Colvin: "And so at the end of the year we have all these child deaths, but you don't really know how these children died. In... and that's interesting for a couple of reasons. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Colvin: "It was just a little over 20 years ago now, when there was a huge debate in Washington, D.C. with the auto manufacturers and a number of transportation officials in Washington, D.C. of whether or not a number of rear-end accidents were happening in the United States as a result of negligence, people driving too fast, following too closely. Then one federal transportation highway official suggested or proposed that a third light be added to every automobile that's sold in the United States and the debate raged on for actually more than two years in Washington as it related to that third light that we see on every car that's sold in the United States now. But as a result of research and during those two years that they argued and they looked at those accidents where cars were rear ended,

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

112th Legislative Day

3/30/2004

they were able to determine that there was a measurable problem and that we needed something... we needed some type of legislation or some type of action to deal with the fact that there were so many rear end accidents in the United States of America. And thus was born that third light that's sold, that's on every SUV or automobile that's sold in the United States of America. And I think that's what the Sponsor of this legislation is trying to get at. I don't think we could pass any Bill or any law without the right type of research being done. It is empirical research and statistical gathering of data that tells us how to act here in Springfield. I know the Representative had a Bill earlier this year, dealing with mechanisms in automobiles that manufacturers installing something in automobiles when cars back up, so that people behind those automobiles would be aware of it. Well, this is our chance to collect data to make certain that it's not a problem that we need to suggest... that we need to do something about. I think this is what should happen first. We need to collect good data on how children get killed in automobiles or by automobiles. And to have a system right now where children who are killed in car accidents on the Dan Ryan are codified the same way as children who are backed over in their driveways is not meeting that goal. This is a piece of legislation that does one thing, it asks these departments to collect this information so that we can make a review of that information and determine if such necessary mechanisms on automobiles need to be installed.

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

112th Legislative Day

3/30/2004

This is important. I don't know if we are burdening these departments or what have you. It sounds like a little bit more research when the child death review team goes out and makes those determinations. How more difficult is it to determine whether that child was killed in a car accident on the Dan Ryan or killed by being backed over in his driveway? I think as Legislators, in trying to determine if this is a problem, this is the best way to handle it. So, I urge everyone to vote 'yes' on the Bill. Thank you."

Speaker Hannig: "Representative Parke."

Parke: "I move the previous question."

Speaker Hannig: "You're the last one requesting to speak, Representative Parke, but I appreciate your... your effort and I'll call on you at another time for that. Representative Graham to close."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it's very important that we find out exactly how many children who have died. I was blown away that the state currently does not have these statistics. I've gone to the Department of Children and Family Services. I've gone to the Department of Vital Records. I've done all the research, all the suggestions that the individuals that were in opposition of the Bill. I've done everything that they've asked me to do. And those... that search yielded me nothing. So, I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Bill 4086 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish?"

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

112th Legislative Day

3/30/2004

Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 voting 'yes', 39 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 4241?"

Clerk Mahoney: "House Bill 4241, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 4241 simply protects the employment of custodial and security workers upon the sale or new ownership of a building for a 90-day transition period. This is an initiative of the Service Employees Union, and what it simply does is codifies the collective bargaining agreements that are in existence with BOMA, which is the Business Owners and Managers Assoc... Organization. We had put the Amendment on to exempt out the Illinois Hospital Association and how this would affect hospitals. So, I believe they are mutual... now neutral on the Bill. Additionally, we have worked with IRMA, the Illinois Retail Merchants Association and Sears Roebuck, because they had some concerns and we will be amending this in the Senate to make sure that their concerns have been addressed. I think it's a great Bill. The testimony in committee showed the hardships of the people who worked in some of these facilities for 19, 20, 23 years and the building was sold and all of a sudden they are out of a job. This gives a transition period, number one, for them to seek new

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

112th Legislative Day

3/30/2004

employment or to prove themselves to a new owner that they may be eligible to stay on as an employee. I would ask for your favorable vote. Thank you."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Mr. Clerk, take the record. On this question, there 112 voting 'yes', 3 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 5613."

Clerk Mahoney: "House Bill 5613, a Bill for an Act concerning wineries. Third Reading of this House Bill."

Speaker Hannig: "Representative Molaro."

Molaro: "Thank you, Mr. Speaker. This is an initiative that comes from the University of Illinois. As you well know, on university property when there's a sale of alcoholic beverages, they need an exemption to the code. The last exemption we gave them when the Bears were playing in Memorial Stadium, down at State of Il... campus. They have a severe parking problem at U of I. It's unbelievable when you go down there, there's no place to park. What they're doing is they have an ongoing development down there that they're building a parking lot and they're gonna have a... some development on the first floor of that parking lot. And the anchor that they're gonna be there is a first class restaurant. They have about three people that they've

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

112th Legislative Day

3/30/2004

talked to. They're gonna put a major restaurant in there and the restaurant needs an incidental liquor license that they can serve wine and beer and some spirits with the main meal. So, this is all part of a development. It puts I don't know how many parking spots and it's agreed to by everyone that's down there. So, I'd ask that for the sake of the University of Illinois and the rent that that could bring will pay for the bonds that they need to build a parking lot. So, I would ask for an 'aye' vote."

Speaker Hannig: "And on... and the Gentleman has moved for the passage of House Bill 5613. Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'yes' and 51 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 5175?"

Clerk Mahoney: "House Bill 5175, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hannig: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker and Members of the General Assembly. House Bill 5175 amends the Illinois Vehicle Code. It provides that the Secretary of State shall adopt rules requiring that reasonable measures be taken to prevent the fraudulent production of insurance cards. Last year we had a series of hearings throughout the state, to

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

112th Legislative Day

3/30/2004

address mandatory insurance and we found that this is one of the things that was going on in communities. So, as a result of these hearings, we ask.. we had a meeting with the Secretary of State to discuss this. There's no opposition to the Bill and I ask for a favorable vote.'

Speaker Hannig: "The Lady... Are you finished, Representative? Okay. I didn't mean to interrupt. The Lady has moved for passage of House Bill 5175. Is there any discussion? There being none then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115... 116 voting 'yes', 0 voting 'no and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 4402?"

Clerk Mahoney: "House Bill 4402, a Bill for an Act concerning hunting. Third Reading of this House Bill."

Speaker Hannig: "Representative Sommer."

Sommer: "Thank you, Mr... thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4402 amends the Wildlife Code regarding deer hunting permits. Currently, owners of commercial farm property, owners who own more than 40 acres and the tenants of that property as well as the persons who own... have corporate rights on that property have deer permits issued free of charge. This does not apply currently to partnerships. This Bill would address

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

112th Legislative Day

3/30/2004

partnerships and allow members agreem... bona fide equity partners to avail themselves of those permits also."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 4402. And on that question, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I... I... To the Bill. I think this is a good Bill and I'd like to commend the Sponsor. I know there were some people that had some concerns with this as it was originally introduced and he done a great job in... in alleviating their concerns and making this a very good piece of legislation. So, I plan to support it. Thank you."

Speaker Hannig: "So, then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Froehlich. Take the record. On this question, there 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 7038."

Clerk Mahoney: "House Bill 7038, a Bill for an Act concerning human services. Third Reading of this House Bill."

Speaker Hannig: "7038, Mr. Clerk. The Clerk has read 7038. They had it on the board wrong and that explains the confusion. Representative Soto."

Soto: "Thank you, Speaker and Members of the House. House Bill 7038 addresses the problem of teen pregnancy by requiring the Department of Human Services and the Department of Public Health to each submit a report to the General

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

112th Legislative Day

3/30/2004

Assembly concerning funding aimed at lowering teen pregnancy rates. This Bill is a first step in examining current programs and how they can be improved. I am open for questions and I urge a 'aye' vote."

Speaker Hannig: "The Lady has moved for the passage of House Bill 7038. Is there any discussion? There being none then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all... have all voted who wish? Mr. Clerk... Representative Hoffman. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 6747. And Representative Howard, for what reason do you rise?"

Howard: "Yes, thank you, Mr. Speaker. Had I been at my desk, I would have voted 'yes' on House Bill 5613."

Speaker Hannig: "The record will so reflect. And Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "House Bill 6747, a Bill for an Act concerning financial regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Washington, would you like to present this Bill?"

Washington: "Yes, Sir, Mr. Speaker."

Speaker Hannig: "Then please proceed."

Washington: "Thank you. Mr. Speaker, this Bill merely adopts language that the commissioner may remove or suspend any director, employer or agent of a savings bank if that

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

112th Legislative Day

3/30/2004

person violates a Federal or state law regulation or order. And I urge 'do passage' from my colleagues of this legislation."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 6747. Is there any discussion? There being none then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Phelps, okay. He has voted now. Take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4640. And Representative Lindner, for what reason do you rise? No, okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4640, a Bill for an Act concerning community revitalization. Third Reading of this House Bill."

Howard: "Mr. Speaker, take that back to Second Reading, please."

Speaker Hannig: "And so the Lady asks that this be returned to the Order of Second Reading at her request. Mr. Clerk, what is the status of House Bill 4510?"

Clerk Mahoney: "House Bill 4510 is on the Order of Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. And, Mr. Clerk, what is the status of House Bill 5875?"

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 5875 is on the Order of Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. And what is the status of House Bill 4640? Excuse me. We just moved that one back, Mr. Clerk, so... Now, we're going to go on the Order of Second Reading for a time and we'll start with House Bill 4920. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "House Bill 4920, a Bill for an Act concerning vehicles. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 5025 for Representative Brady? Excuse me. Could you take that out of the record.. we.. for a second? Could you read, Mr. Clerk, House Bill 6992 for Representative Colvin? Out of the record. Mr. Clerk. Mr. Clerk, would... would you read House Bill 4700 for Representative Churchill?"

Clerk Mahoney: "House Bill 4700, a Bill for an Act concerning taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 6869 for Representative Davis?"

Clerk Mahoney: "House Bill 6869, a Bill for an Act concerning state employees. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 6577? Okay. So, on that 6577 there... there are requests for notes, so we'll hold that Bill. Mr. Clerk, could you read House Bill 4612?"

Clerk Mahoney: "House Bill 4612, a Bill for an Act concerning health improvement. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 5041 for Representative Giles? Okay. Out of the record at the request of the Sponsor. Representative Graham on House Bill 6769. Mr. Clerk, read the Bill."

Clerk Mahoney "House Bill 6769 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Grunloh on House Bill 5076 from Second to Third. Okay. Out of the record. Representative Hamos. Is the Lady in the chamber? Not in the chamber at the moment. Okay. Representative Leitch on... Okay. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. It's our understanding that there was a commitment to hold that Bill."

Speaker Hannig: "I'm sorry. Which Bill is that, Representative?"

Parke: "6769, Representative Graham. It was supposed to be hold... held until an agreement was worked out. Has that agreement been worked out, Representative?"

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Representative Graham on House Bill 6769."

Graham: "Representative Parkes (sic-Parke), an agreement has been worked out, it is being now drafted. It will be prepared and will be filed by tomorrow, but I did talk to the hospital association. They did tell me, in fact, that I could move the Bill to Third and that I would not call the Bill on Third Reading until their Amendment is attached and accepted."

Parke: "Well..."

Graham: "But we talked and discussed on it..."

Parke: "...may I suggest that... that you have to have it on Second Reading to put it on, so wouldn't it be appropriate just to keep it on Second 'til you get your Amendment ready and appl... then bring it to the Body? All right. 'Cause it has to be done on Second Reading."

Graham: "I... se... sure. You can put it back on Second."

Speaker Hannig: "Representative... Senator Graham, I think that the Chair would concur that it's... you're gonna have to move..."

Graham: "Yes. Put it back on Second."

Speaker Hannig: "Yes."

Graham: "Yeah."

Speaker Hannig: "So, Mr. Clerk, would you... would you return that to the Order of Second Reading at the request of the Sponsor? Okay. And now, Representative Leitch on House Bill 4723. Okay. Out of the record at the request of the Sponsor. Representative Bill Mitchell on House Bill 3850."

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

112th Legislative Day

3/30/2004

Does the Gentleman wish to move the Bill from Second to Third? There he is. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3850, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. However, a note has been filed and not received."

Speaker Hannig: "Representative Mitchell, apparently there's been a request for a note of some sort, so your Bill will have to remain on the Order of Second Reading, pending the note. Mr. Holbrook on House Bill... Senate Bill 1914. Representative Holbrook, would you like to move that? Second to Third? Representative Holbrook. Out of the record. Representative Mulligan on House Bill 4975. Okay. Out of the record. Representative Lou Jones, would you like to move House Bill 4179? Out of the record. How about 4566? Okay. Mr. Clerk, read the Bill, please."

Clerk Mahoney: "House Bill 4566 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. All notes have been filed."

Speaker Hannig: "Third Reading. And Mr. Clerk, let us now return to Senate Bill 1914. Representative Holbrook."

Clerk Mahoney: "Senate Bill 1914 has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. All notes have been filed."

Speaker Hannig: "Representative, weren't you expecting an Amendment?"

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

112th Legislative Day

3/30/2004

Holbrook: "There was supposed to be a Floor Amendment let out. Staff just told me, it's been let out."

Speaker Hannig: "Mr. Clerk, is there an Amendment pending on this Bill? Representative, why don't we take it out of the record? The Clerk will clarify it. If there is an Amendment, we'll come back to you. Okay. So, for the moment, this Bill's out of the record. Representative Myers on House Bill 4718. Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4718, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. House Bill 4558. Mr. Clerk, would you read the Bill? Excuse me. Representative, there's a... apparently there's a request for some notes, so we'll have to hold your Bill. House Bill 4285, Representative Kelly. Okay. Out of the record. Waiting for an Amendment. House Bill 6583. Representative Sacia, 6583, Second to Third. Hold it. Out of the record, then. Representative May on House Bill 6983. Out of the record. Representative McCarthy, House Bill 5018. Representative McCarthy. No. Out of the record. Representative Saviano on House Bill 4229. Could someone give me some direction on House Bill 4229? 4229. There he is. Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4229, a Bill for an Act concerning professional regulation. Second Reading of this House

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

112th Legislative Day

3/30/2004

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

Speaker Hannig: "Third Reading. Representative Sullivan on House Bill 4990. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4990, a Bill for an Act concerning taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Watson on House Bill 4227. Okay. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4227, a Bill for an Act concerning economic development. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, could you read House Bill 5157? Representative Watson, 5157, Second to Third. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5157 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Slone, 4850. Out of the record. How about 6848, Representative Slone? Okay. Out of the record. Representative Turner, Art Turner. Okay. Out of the record. Representative Yarbrough on House Bill 4302, Second to Third. No. Out of the record. How about 4439, Representative Yarbrough? 4439. from Second to Third. No. Out of the record. Representative Wyvetter Younge on House Bill 4116. Mr. Clerk, would you read the Bill."

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 4116, a Bill for an Act in relation to homeless persons. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Younge, has been approved for consideration."

Speaker Hannig: "Representative Younge."

Younge: "Thank you. This is a Bill in reference to a Bill of Rights for homeless people. Amendment #1 places the responsibility of enforcement on the Department of Human Rights and adds housing status as a unlawful discrimination. I move for the adoption of the Amendment."

Speaker Hannig: "The Lady's moved for the adoption of Amendment #1. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Younge, has been approved for consideration."

Speaker Hannig: "Representative Younge."

Younge: "Thank you. Amendment #2 has said the right to vote shall not be denied solely because a person doesn't have a human... a permanent residence, notwithstanding any provision of the Election Code. I move for the adoption of the Amendment."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And let us now return to House Bill 4558. The notes have been filed. And so, Mr. Clerk, would you read the Bill? The notes have been filed, so we'll read the Bill."

Clerk Mahoney: "House Bill 4558, a Bill for an Act concern... concerning to public health. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2 was adopted to the Bill. All notes have been filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read House Bill 1626? 1626. Excuse me. Senate Bill."

Clerk Mahoney: "Senate Bill 1626 has been read a second time, previously."

Speaker Hannig: "Let's hold that on the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 1691?"

Clerk Mahoney: "Senate Bill 1691 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative McGuire, has been approved for consideration."

Speaker Hannig: "Let's... let's hold that at this time. We'll come back to it at... at another time. So, out of the record. And Mr. Clerk, what is the status of Senate Bill 1684? Out of the record at the request of the Sponsor. Some additional Second Readings. Representative Chapa LaVia on House Bill 4372. Would you like to move that from Second to Third? Mr. Clerk, read the Bill."

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 4372 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Chapa LaVia, has been approved for consideration."

Speaker Hannig: "Representative Chapa LaVia on the Amendment."

Chapa LaVia: "Thank you, Speaker and Ladies and Gentlemen of the House. The House Bill 4372, the Amendment replaces lines 24 and 25 with the following: is placed into a period of military service pursuant to the order of the President of the United States. That's the only change."

Speaker Hannig: "The Lady has moved for the adoption of Amendment #1. Is there any discussion? Then the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No notes filed."

Speaker Hannig: "Third Reading. Representative Flider on House Bill 4234. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4234 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Representative Fritchey on House Bill 3981. Second to Third? Okay. Out of the record. Representative Granberg on House Bill 6654. Second to Third? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 6654, a Bill for an Act concerning alcoholic liquor. Second Reading of this House Bill. No

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

112th Legislative Day

3/30/2004

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

Speaker Hannig: "Third Reading. Representative McGuire on House Bill 4837. Second to Third? Okay. Out of the record. Representative Mendoza on House Bill 5056. Second to Third? Mr. Clerk, read the Bill. Okay. Out of the record at the request of the Sponsor. How about Representative Mendoza on House Bill 5058. Okay. Read that Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5058, a Bill for an Act concerning seniors. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Mendoza, has been approved for consideration."

Speaker Hannig: "Representative Mendoza."

Mendoza: "I'm trying to get it up on my system, Representative. Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I ask for your approval of the Amendment to House Bill 5058. It's been worked on at length with members of the AARP. It's one of the COWL agenda issues and as I... as far as I'm concerned we have no opposition to the Bill at this time."

Speaker Hannig: "The Lady moves for the adoption of the Amendment. Is there any discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. All notes have been filed."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Third Reading. Representative Verschoo...
Verschoore on House Bill 5216. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5216, a Bill for an Act concerning
public utilities. Second Reading of this House Bill. No
Committee Amendments. No Floor Amendments approved for
consideration. All notes have been filed."

Speaker Hannig: "Excuse me, Mr. Clerk. I was advised there was
a... an Amendment pending. Has there been an Amendment
adopted, in committee perhaps? Representative, could we
just take it out of the record 'til we can clarify the
status? We'd like to take the Bill out of the record.
There may be an Amendment that's pending. Do you know?
Yeah. There's a... there's a... there's an Amendment in Rules,
so you're gonna... you'd have to move it back to Second
anyway. So, let's just leave it on Second. Okay. So,
we'll hold that on Second Reading, Mr. Clerk, at the
request of the Sponsor. Okay. Mr. Clerk, read House Bill
4975."

Clerk Mahoney: "House Bill 4975, a Bill for an Act concerning
minors. Second Reading of this House Bill. No Committee
Amendments. No Floor Amendments. However, notes have been
requested and not received."

Speaker Hannig: "Representative Mulligan. There's been a
request for some notes, so the Bill will have to remain on
the Order of Second Reading. How about 6920? Would you
like us to read that one? Maybe we'll have better luck.
Mr. Clerk, read the Bill."

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 6920, a Bill for an Act concerning health care. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Brauer on House Bill 6552, from Second to Third. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 6552, a Bill for an Act concerning loan repayment assistance for physicians. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Representative Churchill on House Bill 4019. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4019, a Bill for an Act concerning the Department of Aging. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Dunn on House Bill 6760. Okay. Mr. Clerk, out of the... out of the record. Representative Mitchell on House Bill 6679. Representative Bill Mitchell. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6679, a Bill for an Act concerning economic development. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Bill Mitchell, has been approved for consideration."

Speaker Hannig: "Representative Mitchell on the Amendment."

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

112th Legislative Day

3/30/2004

Mitchell, B.: "Thank you, Mr. Speaker. I'd like to shell the Amendment, please."

Speaker Hannig: "The Gentleman withdraws the Amendment. Is there any further Amendments?"

Mitchell, B.: "I would like to adopt the Amendment."

Speaker Hannig: "Oh, excuse me. I... I think I misunder..."

Mitchell, B.: "Thank you. Thank you, colleagues."

Speaker Hannig: "I misunderstood the... the Sponsor, so let's return the Amendment #, is it 1, Mr. Clerk? Amendment #1, is that correct?"

Mitchell, B.: "No, I... I agreed to it."

Speaker Hannig: "Okay. On... So, now, back to Amendment #1."

Mitchell, B.: "Thank you, Mr. Speaker. I'd like to adopt the Amendment so the Bill will be shelled."

Speaker Hannig: "Okay. So, this... that's... Okay. Thank you. And on that question, Representative Stephens."

Stephens: "I wonder if the Chair or the Speaker or maybe the Sponsor of the Amendment could explain the parliamentary procedure that he just went through to get to this point."

Speaker Hannig: "No one can explain it, Representative."

Stephens: "Inexplicable. Well, that's what I thought."

Speaker Hannig: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any... any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Osmond on House Bill 5928, from Second to Third. Representative... Okay."

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

112th Legislative Day

3/30/2004

Out of the record. And Representative Poe on House Bill 4287. The Gent... Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4287, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Poe, has been approved for consideration."

Speaker Hannig: "Representative Black, would you handle the Amendment for Representative Poe, please?"

Black: "I would be honored to handle the Amendment for my good friend and colleague, Raymond Poe, Representative Poe. The Amendment, Floor Amendment #1, simply strikes out the mandatory sentence provision for first time offenders. A very reasonable Amendment. I'm not aware of any opposition to the Amendment, but up until 20 seconds ago I wasn't aware of the Amendment. But I'll be glad to answer any questions that you have."

Speaker Hannig: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, what is the status of House Bill 4224?"

Clerk Mahoney: "House Bill 4224 is on the Order of Third Reading."

Speaker Hannig: "Okay. Return that to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, would you read House Bill 6954 for Representative Wait?"

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 6954, a Bill for an Act concerning school students. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Wait, has been approved for consideration."

Speaker Hannig: "Representative Wait."

Wait: "Yes. I'd just like to adopt this Amendment. It's a clean up legislation. There's no opposition."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Hamos on House Bill 4099. Would you like to move it from Second to Third? Second to Third. Representative Hamos, do you wanna move the Bill?"

Hamos: "Speaker, I filed Amendment #2 and 3 and I want to make sure that you have that..."

Speaker Hannig: "Okay. Mr. Clerk..."

Hamos: "...in your system. Because I don't believe that has come out of Rules yet."

Speaker Hannig: "Okay. Could you tell us the status of Amendments 2 and 3? Are they still in Rules?"

Clerk Mahoney: "Floor Amendments #2 and 3 to House Bill 4099 are still in the Rules Committee."

Hamos: "Okay. So please keep it. Yeah."

Speaker Hannig: "Okay. So, we'll hold that... we'll hold that on Second. And Representative Hamos on 4953. Would you like

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

112th Legislative Day

3/30/2004

to move that one from Second to Third? Ms... Representative Hamos."

Hamos: "Speaker, I filed an Amendment on that as well."

Speaker Hannig: "Mr. Clerk, is there Amendments pending on that? Okay. This... Apparently, they're still in Rules, Representative."

Hamos: "Right. Thank you."

Speaker Hannig: "So, we'll take that out of the record as well. Representative Black, for what reason do you rise?"

Black: "Well, yes, thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "The Chair seems to be in a state of confusion. I noticed, however, the chief of staff has come out to lend some order. Would... The last 15 minutes we've gone over Bills that Amendments are in Rules, the Bills are in Rules, the Sponsors are in Rules. Are we just delaying here or do you think we might adjourn so that I could, you know, perhaps get something to eat at a reasonable hour this evening."

Speaker Hannig: "I'll check the rules."

Black: "It seems like you're reaching for things to do."

Speaker Hannig: "I'll check the rules, Representative."

Black: "I have several Bills you could call, if you'd like. Oh, I... Look at..."

Speaker Hannig: "Maybe the Rules Committee should have an emergency meeting, Representative Black."

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

112th Legislative Day

3/30/2004

Black: "I'm all... I'm all for it. I've never seen a pen move any faster than chief of staff's. Look at that. He's probably come up with six Bills we can call in the next hour."

Speaker Hannig: "We'll be here 'til midnight."

Black: "Wonderful, wonderful. Bring the food in."

Speaker Hannig: "Mr. Clerk, would you read House Bill 6902, Representative Rose."

Clerk Mahoney: "House Bill 6902, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Rose, has been approved for consideration."

Speaker Hannig: "Representative Rose."

Rose: "Thank you, Mr. Speaker. Floor Amendment #3 essentially was agreed language that came out of our committee discussions. Representative Delgado had an issue that we had inadvertently removed the original affirmative defense in the underlying statute. This replaces that. And Representative Collins had... had a conversation about the term 'value' which we have changed to consideration at this point in time. This Amendment should take care of all those concerns. Thank you, Mr. Speaker. I'd ask for passage of this Amendment."

Speaker Hannig: "And on the Amendment, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Third Reading. Back on the Order of Third Reading. Representative Bost, would you like us to call House Bill 4959? Okay. So, Mr. Clerk, read the Bill. Third Reading Bill. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "House Bill 4959, a Bill for an Act concerning public safety. Second Reading of this House Bill. Committee... Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No notes have been filed."

Speaker Hannig: "Move it to Third, Representative Bost, or hold it? Okay. Third Reading. Thank you. Representative Brady, would you like us now to move House Bill 5025? Okay. Mr. Clerk, would you read the Bill, please?"

Clerk Mahoney: "House Bill 5025, a Bill for an Act concerning business transactions. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Brady, has been approved for consideration."

Speaker Hannig: "Representative Brady on Amendment #2."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 to House Bill 5025 deals with the Funeral Practice Act in dealing with regulations throughout the State of Illinois as it pertains to funeral practice merchandise and burials. I'll be happy to answer any questions."

Speaker Hannig: "On the Amendment, all in favor of the Amendment say 'aye'; opposed say 'nay'. The 'ayes' have it. Excuse me. Representative Black, did you wish... Okay."

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

112th Legislative Day

3/30/2004

The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

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

Rose: "Thank you, Mr. Speaker. I'd move to table House Bill 6681."

Speaker Hannig: "The Gentleman moves to table House Bill 6681. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Bill is tabled. Representative Dunkin on House Bill 5180. Would you like us to read that Bill? Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5180, a Bill for an Act concerning economic development. Third Reading of this House Bill."

Speaker Hannig: "Representative Dunkin."

Dunkin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5180 simply extends the film tax credit to five years. It currently is about to sunset at the end of this year and I ask for a favorable vote. And actually, if you look at the front cover of the Chicago Sun Times and look at the bottom portion of it, it... there is a direct result of the film legislation that all of us here voted on last year with Nicholas Cage. So, this is a big win for the State of Illinois in terms of bringing film here such as The Weatherman, Ice Harvest, Oceans Twelve, Batman Returns. And as you know, tomorrow we're gonna go see a free screenin' of Walking Tall. So, I ask for a favorable vote on this legislation. Thank you."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "The Gentleman has moved for passage of House Bill 5180. And on that question, Representative Stephens."

Stephens: "Gentleman yield for a question?"

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

Stephens: "Representative, is this the... is this the Bill where you promise to get Representative Holbrook on the big screen?"

Dunkin: "Well..."

Stephens: "If you just move a little bit, he'll be on the big screen and I think he'll still vote 'yes'."

Dunkin: "Ah, yes. There he is. There you go. He's on the screen now."

Stephens: "All right. All right. Then I'm for your Bill."

Dunkin: "Thank you, Sir."

Speaker Hannig: "Representative Howard."

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

Speaker Hannig: "He indicates he will yield."

Howard: "Yes. Representative Dunkin..."

Dunkin: "Yes."

Howard: "...we've had several conversations in the last couple of weeks regarding some dissatisfaction, some unreadiness by members of the minority community. Tell me how you have thus far addressed those concerns?"

Dunkin: "Thank you, Representative. So far what we have is, ya know, the Governor has formed a task force, a visual media task force, that includes members of the union community, members of the... the United Filmmakers Foundation to the Steppenwolf Foundation to send to Rickey Hendon and other

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

112th Legislative Day

3/30/2004

Members who are associated directly with the film industry. And what we've decided to come up with and worked it closely on is one, coming up with a diversity officer that's out of the Department of Commerce and Economic Opportunity, that department, which will, in effect, help to identify those qualified individuals of minority class, if you will, to work on these various projects of these films coming here in the State of Illinois. This Bill, actually, speaks to the 25 percent credit, tax credit. However, you have to qualify for that tax credit by meeting certain requirements, such as you have to have hired Illinois residents in the state here and you have to have a certain amount of minority participation, given historical nonparticipation of minorities in this particular industry. So, there's a lot of collaboration that's going on at the task force level, at the union level. There are a number of internships that are coming out of just this program. Actually, this is probably, when it's all said and done, given that we're only three months into this piece of legislation, we'll probably have one of the model minority participation programs here in the State of Illinois and it's all primarily volunteer. So, there's no real liability toward the state. However, the state encourages high participation which is why they hired the diversity officer, which is why this has been a... at the top of the agenda, in addition to bringing film here to Illinois, to address... to help address that issue."

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

112th Legislative Day

3/30/2004

Howard: "And have you conveyed that program that you just articulated, to those persons who have expressed their consternation or their dissatisfaction?"

Dunkin: "Well, there's only one group, a very small group that has expressed reservations as it relates to this. However, we've had... the majority from the motion picture industry to the teamsters, ..., to a number of groups that are... the Illinois Production Alliance, the visual arts over in Bronzeville, in my district. They've expressed full support of this legislation because everyone's working together tryin' to make sure that we address this historical issue and as a matter of fact, the Illinois film office is gonna present a town hall meeting layin' out some of the direct programs that are gonna come as a result of this legislation. So, at the very best, it's led to the collaboration and coalition of others who are a part of this film industry, minority and nonminorities, to make sure that we don't have any real problems as films come here and we get blacks and Latinos in on some of the production. So, yes, there is a... a... a very active coalition and effort on the part of individuals in the film community participating in this new film industry that's coming here in the State of Illinois."

Howard: "So, it is your opinion, at this point, that there ought not to still be problems. That you... you think that you have sufficiently addressed those problems that had been articulated?"

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

112th Legislative Day

3/30/2004

Dunkin: "I... I would say this here, that with all the coalitions comin' together and every single recognized or actively engaged film group, big or small, they're at the tables right now, they've worked... they're workin' together collaboratively to see to it that there is participation with everyone, minorities in particular. Again, that's why the Illinois Department of Commerce and Economic Opportunity hired a diversity officer to deal and address with this issue. But first we need to make sure that we have films comin' in the State of Illinois. The film industry here in the State of Illinois is up 147 percent. Last year, we were at \$25 million; this year we'll be, so far with just four films, we'll be almost over \$200 million and it won't cost the State of Illinois a dime, quite frankly. So, I'm... you can't wave a magic wand and fix this problem over night, but I can say this, probably out of most of the industries here in the State of Illinois this is... has been the most progressive, the most cooperative efforts taken to help remedy a long-standing problem in the State of Illinois, as it relates to minority participation in the film industry."

Howard: "I commend you for all of the good work that you've done in trying to make certain that those concerns have been addressed. I plan to vote for the Bill and I suggest that everybody else do as well. Thank you."

Dunkin: "Thank you."

Speaker Hannig: "Any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed

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

112th Legislative Day

3/30/2004

'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4154."

Clerk Mahoney: "House Bill 4154, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 51... 4154 is a shell Bill and it will create the Care of Students with Diabetes Act. We're continuing our negotiations with the Nurses Association, the Illinois Association of School Boards. And I can answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hoffman. Cultra. Mr. Clerk, take the record. On this question, there are 97 voting 'yes', 18 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 5075."

Clerk Mahoney: "House Bill 5075, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. This is the... the National Association of Insurance Commissioners' model law on

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

112th Legislative Day

3/30/2004

annuity nonforfeiture. It is an exact reproduction of that and basically our other law is sunseting and this would be the minimum rate a company can credit a fixed annuity contract on an annual basis. I know of no opposition to the Bill. We have included a three-year sunset, that way if interest rates change we can come back and address the Bill. Appreciate an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 5075. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4012."

Clerk Mahoney: "House Bill 4012, a Bill for an Act in relation to transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. House Bill 4012 addresses the problem of construction workers being killed on toll-ways and highways in construction zones. There were five workers killed last year, including one in Schaumburg. And what this Bill does it authorizes State Police to use automated photo radar speed enforcement to slow down traffic in those construction zones and save lives. I did amend this Bill. I promised the committee, the Transportation Committee which unanimously passed it, that

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

112th Legislative Day

3/30/2004

I would amend it and I did do that before I presented it to you tonight."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, even as close as we are it is hard to hear on the House Floor. You... you did amend the Bill as we discussed in the Transportation Committee?"

Froehlich: "Yes, Sir."

Black: "So, the cameras will only be in operation when the workers are present, correct?"

Froehlich: "That's correct."

Black: "All right. Thank you very much, Representative. Mr. Speaker, Ladies and Gentlemen of the House, to the Bill. I... I have always had problems with turning law enforcement over to cameras, technology, 'big brother', if you will and then have to go to court and argue with a camera or a radar device and there have been some interesting court cases. But the bottom line is this, with me, we've tried everything else, we've tried hire-backs on state troopers, we've tried raising the fine. We've tried more and more notification, nothing seems to work. Drivers, for whatever the reason, just don't or won't slow down in construction zones and the death toll of Illinois highway department workers continues to climb. This'll be the first time I've ever voted for a 'big brother' Bill, but I... I don't have

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

112th Legislative Day

3/30/2004

any alternatives. If this works, fine; if it doesn't, we'll try something else. Vote 'aye'."

Speaker Hannig: "Any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Stephens. Okay. On this question, Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 2 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 3981."

Clerk Mahoney: "House Bill 3981, a Bill for an Act concerning liability. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been approved for consideration."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Floor Amendment #1 simply narrows the scope of this Bill. We know of no opposition to the Bill."

Speaker Hannig: "Is there any discussion? Then all in favor... all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read House Bill 4179."

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

112th Legislative Day

3/30/2004

Clerk Mahoney: "House Bill 4179, a Bill for an Act concerning banking. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Flowers, would you like to make your announcement at this time?"

Flowers: "Yes, Mr. Speaker. Health Care is canceled for tomorrow morning. Thank you very much. Ahh, yeah."

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

Holbrook: "Purpose of an announcement. We've rearranged the times on the Environment & Energy Committee several times today. Please note the schedule that's being passed out. We are gonna meet at 11:00 in Room 118. We have one Bill and one Amendment. Just for clarification because we've... we've sent out about four notices today and they're e-mails. And we are gonna meet at 11:00. Thank you."

Speaker Hannig: "Mr. Clerk, would you read the... the Agreed Resolutions?"

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 764, offered by Representative Osterman. House Resolution 765, offered by Representative Osterman. House Resolution 766, offered by Representative Coulson. House Resolution 767, offered by Representative Mulligan. House Resolution 768, offered by Representative Granberg. House Resolution 769, offered by Representative Granberg. House Resolution 770, offered by Representative Lang."

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

112th Legislative Day

3/30/2004

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye; opposed 'nay'. The 'ayes' have it. And the Resolutions are adopted. Representative Mendoza, for what reason do you rise? Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. Just a quick announcement to the Members of COWL. We will be meeting tomorrow morning in Room 115, 8:30 in the morning. So, please bring your... your agenda items, budget and legislative. Thank you."

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

Biggins: "Well, thank you, Mr. Speaker. The... the previous speaker made an announcement and I wasn't quite sure I heard the ending of it. She wanted 'em to bring something to the meeting of a group tomorrow. Was it their gender? What was the last word that she said?"

Speaker Hannig: "You'll have to check the transcript, Representative."

Biggins: "I'll check my... I'll check the transcript and if I need help, I'll call you tomorrow. Thank you."

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

Stephens: "Purpose of announcement."

Speaker Hannig: "Yes."

Stephens: "The Brotherhood will not be meeting tomorrow morning."

Speaker Hannig: "Now, allowing perfunctory time for the Clerk, Representative Currie moves that the House stands adjourned

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

112th Legislative Day

3/30/2004

until Wednesday, at the hour... March 31 at the hour of 12 noon, 12 noon tomorrow. All in favor of the Motion say 'aye'; opposed 'nay'. The 'ayes' have it. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will now come to order. Senate Bill 2982, offered by Representative Fritchey, a Bill for an Act concerning limited partnerships. Senate Bill 2091, offered by Representative Jefferson, a Bill for an Act concerning crematories. Senate Bill 2274, offered by Representative Bradley, John, a Bill for an Act concerning property. Senate Bill 2293, offered by Representative Molaro, a Bill for an Act in relation to alcohol. Senate Bill 2517, offered by Representative Fritchey, a Bill for an Act concerning accessible electronic information. Senate Bill 2525, offered by Representative Verschoore, an Act concerning public utilities. Senate Bill 2536, offered by Representative Jefferson, a Bill for an Act concerning the exercise of police powers by state employees. Senate Bill 2542, offered by Representative Rita, a Bill for an Act concerning businesses. Senate Bill 2653, offered by Representative Jefferson, a Bill for an Act concerning corrections. Senate Bill 2654, offered by Representative Lindner, a Bill for an Act concerning criminal law. Senate Bill 2659, offered by Representative Jefferson, a Bill for an Act concerning municipalities. Senate Bill 2676, offered by Representative Soto, a Bill for an Act concerning education. Senate Bill 2690, offered by

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

112th Legislative Day

3/30/2004

Representative Lindner, a Bill for an Act concerning child support. Senate Bill 2718, offered by Representative Rita, a Bill for an Act concerning the Department of Natural Resources. Senate Bill 2799, offered by Representative Rita, a Bill for an Act concerning State Police. Senate Bill 2844, offered by Representative Rita, a Bill for an Act concerning veterans' home advisory councils (sic-in relation to veterans). Senate Bill 2926, offered by Representative Davis, William, a Bill for an Act concerning child care. Senate Bill 2961, offered by Representative Munson, a Bill for an Act concerning business. Senate Bill 3021, offered by Representative Rita, a Bill for an Act concerning financial regulation. Senate Bill 3077, offered by Representative Pankau, a Bill for an Act concerning mortgages. Senate Bill 3140, offered by Representative Rita, a Bill for an Act in relation to criminal law. Senate Bill 3166, offered by Representative Delgado, a Bill for an Act concerning sexually violent persons. Senate Bill 3189, offered by Representative Moffitt, a Bill for an Act concerning license plates. Senate Bill 3207, offered by Representative Parke, a Bill for an Act concerning the Attorney General. There being no further business, the House Perfunctory Session will stand adjourned."