

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

125th Legislative Day

5/11/2004

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 turn off their laptop computers, cell phones and pagers. And we ask the guests in the gallery to rise and join us for the invocation and then the Pledge of Allegiance. We shall have two invocations today. The first will be by Troy Miller of the Brookport Church of Christ in Brookport, Illinois. Mr. Miller is the guest of Representative Phelps."

Troy Miller: "Let's pray. Our Father, we thank You so much for this day that You've given to us. We thank You for life and breath. Father, we thank You so much for the opportunity to... to be in Your presence each and everyday. We pray, Father, that You would be with this Session today, be with each and every person that is represented here today. We pray that You would provide wisdom and strength, Father, so that they may govern in a manner that is satisfactory to You. Father, we pray for those that are in each constituency. Father, we pray that You would help them to have the respect for government that they should have. We pray that You would show each and everyone of us, as citizens in this country, that government is so important. And that no government is in place except without Your Providence. Father, we thank You so much for the privileges that we have in this country. We thank You so much for the freedoms that we enjoy and we pray, Father, that You would continue to provide those things for us. We pray for the leaders around the world and even in this

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country that You would provide wisdom for them so that Your peace may abound over the whole earth. And we pray, Father, that You would keep those soldiers that we have in other countries safe, hold them in Your hands, Father, and we pray that hostilities may end as soon as possible. Father, we... once again, we pray for Your wisdom each and everyday, we pray for Your leading and Your guidance in our lives and we pray, Father, that we may grow closer to You each and everyday. And it's all these things we pray in Your Son's most precious name. Amen."

Speaker Madigan: "The second invocation will be delivered by a former Member of the House, former Representative Dick Mulcahey. He is currently a Deacon at St. Mary's and Patrick's Church in Duran, Illinois. And Mr. Mulcahey is the guest of Speaker Madigan."

Dick Mulcahey: "Father in heaven, direct the minds and steps of these Ladies and Gentlemen of the Illinois House of Representatives. And may the changing moods of the human heart never blind them to You. Remove all selfishness that could blur their vision and protect them in the burdens and challenges of their responsibilities. Shield their minds from the distortion of pride and unfold their desire with the beauty of truth. Help them to become more aware of Your design so that they may more willingly give their time in the service of others. Father, You declare that whoever You see is a little child in Your name, You promised Your kingdom to those who are like children. Never let pride reign in their hearts, but may compassion, reward and

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embrace these Ladies and Gentlemen who willingly bear Your gentle yolk. In Your hands, Father, are the hearts of the powerful. Bestow Your wisdom on the Members of this General Assembly and give them freedom of spirit in health, in mind, in Body to do Your work today and everyday. Amen."

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

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

Speaker Madigan: "Roll Call for Attendance. Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Hultgren is excused on the Republican side of the aisle today."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes. Thank you, Mr. Speaker. Would the record reflect that Representative Currie is excu... excused today."

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

Bost: "Yes. Mr. Speaker, last week while we here on the Floor we noticed early on during the day that Representative Black was not here and we noticed that Representative Currie was not here. Do you think it would be appropriate to adjourn if she's not here? 'Cause we had asked that question last week."

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Speaker Madigan: "Yeah, your point is well taken.  
Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. I rise on the point of  
personal privilege."

Speaker Madigan: "State your point."

Lyons, E.: "Mr. Speaker, I am hearing from my constituents  
about a grave concern they have, and I'm sure my colleagues  
are hearing the same complaint, that we are not taking  
action on a... an issue of serious concern to them. They're  
wondering how many more articles in the paper we're gonna  
have to read about doctors leaving Illinois. About OB/GYN's  
flee... fleeing to Wisconsin and Indiana. About  
neurosurgeons that are leaving our trauma centers empty and  
unprepared. Mr. Speaker, what I'm asking for is a  
discussion of the issue. We have to have a conversation  
and a debate about the lack of access to health care. We  
have a package of legislation, responsible legislation,  
that is bottled up in the Rules Committee. And what I'm  
asking for is some sunshine to be lit on this issue so that  
we can debate it. And have those... that legislation  
discharged from the Rules Committee."

Speaker Madigan: "Mr. Winters."

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

Speaker Madigan: "State your point."

Winters: "Speaker, in the last month 4 surgeons in Rockford,  
the second largest city in the state, announced that they  
are leaving their practice. Yesterday I talked to the... to

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the lead doctor for a 14 surgeon practice, 55 years they've been in operation. They've never been sued successfully for any kind of malpractice and they are within probably 6 months of leaving this state, removing 14 surgeons. I've been at meetings around this state and heard the same... the same cries from all over the state, no neurosurgeons south of Springfield. Were... companies that are trying to do business at Scott Air Force Base, the only way that they can get health care in Illinois is because they have a federal exemption, they're not allowed to be sued under Illinois State Law. We really do have a crisis of access to medical care. It's not a crisis for the docs. They can leave. They can retire. But they're also not recruiting any new doctors to come into this State. The surgeon was telling me, when I interview at medical colleges for residencies they simply will not look at Rockford or Illinois as a place that they want to put their roots down and serve their medical careers. And we have 48-, and 50-year-old doctors that are retiring because they cannot make any money because they are jeopardizing their entire... all of their savings, their homes, their kids' college accounts. Everything can go in an instant. And it may not be their fault. We have some serious flaws in the medical liability industry and I urge that you re... you allow the Code Blue Package to come out of the Rules Committee. Unless we have these Bills out were we can debate 'em on the Floor, we can't make legislation without talking about it. Please let 'em out of Rules. Thank you, Mr. Speaker."

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Speaker Madigan: "Representative Kosel."

Kosel: "I also stand on a point of personal privilege. Many of the Members of the House know that our first grandchild was born with a... a very bad heart. And we were lucky enough as a family to have a very courageous physician that was willing to work on a child... a newborn child and give us 18 years of life with this blessed little boy. We ended up losing him. But this physician is a very, very dedicated man who is willing to work on children that probably will not have a good outcome. And he is now in a position from being sued that all of his personal assets are at risk. We are now in a position in the State of Illinois where if you or a member of your family has something that does not have a good prognosis, you are likely not to find somebody who will be willing to work on you. I ask the Speaker to please release the Bills from Rules so that we can debate them so that we have the access to care for our loved ones, for our families, for our constituents. Thank you."

Speaker Madigan: "Representative Munson."

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

Speaker Madigan: "State your point."

Munson: "Mr. Speaker, our health care system in Illinois is in jeopardy. Not for lack of funding nor for resources, but for lack of doctors. Doctors are fleeing Illinois in droves because of skyrocketing malpractice insurance premiums. Mr. Speaker, we have to stop doctor flight. Legislation has been introduced to protect our access to

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health care. Our package is called Code Blue, but it's stalled in Rules. I would hope that the Body would consider bringing the legislation to at least a committee hearing so that we can begin to address the problems to accessing quality care. Thank you."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. I also rise for a point of personal privilege."

Speaker Madigan: "State your point."

Bost: "Mr. Speaker and Members of the House, the other speakers that have already been up have been talking about this same issue. We set here, we do our work, we say we're working on the problems, but we can't get released from Rules some true help to try to keep our doctors here in the State of Illinois. Folks, the other day in Carbondale we had a firefighter that had a ceiling collapse on his head. Because of that he severed... received a severe head in... head wound. Because of the problems that exist, the neurosurgeons that were in the area were no longer in business. That firefighter then had to be taken to St. Louis, because of the weather conditions couldn't be flown by helicopter and had to take 90 minutes drive to try to cure his problem. Because of that he received a... his condition worsened. They were able to save him. But folks, what is it going to take to get these Bills out of Rules where we can deal with the problem? How many people are gonna have to die in my area? What kind of suffering are my people gonna have to go through? Folks, I've heard

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the arguments we don't want this issue out there, we don't want caps, we don't want everything... we don't want a review board because of the politics that is being played with this issue. Folks, it's time we do something here that we stand up from both sides of aisle and try to get these problems cured. It's got so bad now that if you are from certain counties in the State of Illinois, even in other states, they will not accept you as a patient because they are afraid of the venue situation that they might be sued in the State of Illinois. Ladies and Gentleman, if it isn't affecting your district yet, it will be. It is affecting my district. The people of my area are screaming for help. Mr. Speaker, please bring these Bills out of Rules. It's in your hands. Thank you."

Speaker Madigan: "Ladies and Gentlemen, if... if the Members could take their chairs and if the staff could retire to the rear of the chamber, we have a distinguished visitor today. He's gonna offer some remarks. Our guest is Mr. Jonathan Magiog... Madi... Majiyagbe. He will soon demonstrate that he's more proficient in English than I am, Majiyagbe. He is the first President from Africa for the Rotary International one of the world's largest business and professional unit humanitarian organizations. Born in Logos, Nigeria, he is a graduate of the University of London and worked as a barrister of law in the Middle Temple in London. Currently, he is the principal council in his own firm, which covers a wide commercial law practices with offices in Cano in Aboja. He is also a



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Senior Advocate of Nigeria, the country's highest professional honor."

Jonathan Majiyagbe: "Mr. Speaker, Members of the Illinois General Assembly and my fellow Rotary Club members in the gallery, it is a great honor to be here in the hometown of one of America's greatest presidents, Abraham Lincoln, and to observe how the U.S. Democratic process works at the state level. I feel privileged to talk with you today about my organization, Rotary International, which will celebrate its centennial in 2005. During our annual convention in June next year, about 70 thousand Rotarians from around the globe will gather in Chicago to mark that occasion. This is because the first Rotary Club was founded in Chicago in 1905. Since meetings were rotated between members' offices, they call themselves the Rotary Club. From its very beginning, Rotary Club members have been interested in meeting the real, practical needs of the community. Their first community service project was far from glamorous, building the city's only public restroom outside Chicago's City Hall. During the past 100 years, Rotary has grown from a small club into a diverse international network of community volunteers. With our headquarters here in Illinois, Rotary has 1.2 million members in 166 countries. In the Land of Lincoln, Rotary has about 15 thousand members who represent a cross section of business and professional leaders, including several Members of the Illinois General Assembly. In 1865, in his second inaugural speech, Abraham Lincoln urged America to

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cherish a just and lasting peace in the world, with malice toward none, with charity for all. That is also Rotary's mission. Rotarians volunteer their time and money to help their own communities, and to address the underlying problems that create instability and trigger conflicts, hunger, poverty, poor health, and illiteracy. Let me give you some examples of Rotary projects in Illinois. Rotary clubs near Chicago partnered with the Chicago White Sox to build a "miracle field" for disabled children. Another club in the area helped build a daycare center for low-income families. Rotary Clubs in Springfield provide computers to local schools, providing assistance to Boys & Girls Clubs, after school programs, and camps for disadvantaged children. Illinois Rotary Clubs are also... also developed micro-credit loans for families affected by HIV-AIDS in Uganda, and sent sun ovens for children in North Korea and Afghanistan. In 1985, Rotary International made polio eradication our flagship program for clubs worldwide. By our centennial in 2005, we hope to stop the spread of the polio virus, which still poses a threat to children around the world. Today, Rotary's contribution to a polio-free world has exceeded \$500 million. Eradicating polio is not as simple as just purchasing vaccines. During the past 20 years, Rotary Club members and their families, many... many of them in Illinois, have and are currently volunteering countless hours, vacation time and personal resources, take part in nationwide immunization drives, trying to reach every child in polio endemic countries.

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Our efforts are paying off and Rotary and its partners at World Health Organization, UNICEF and the CDC have achieved a 99 percent reduction in polio cases. In 2003, there were less than 8 hundred reported polio cases worldwide all year, compared with 1 thousand cases per day in 1979. Rotarians are now ready for the final battle this year. Apart from polio, Rotary's also the world's largest privately-funded source of international scholarships. We send over 1 thousand young people to live and study in foreign countries to promote cross-cultural understanding. We provide about \$25 thousand per student to cover their tuition and living expenses. When talking about Rotary's Polio Plus Program recently, UN Secretary General Kofi Annan called it a shining example of the achievements made possible by cooperation between the public and private sectors. I hope we can have the opportunity to work with lawmakers in Illinois to help rejuvenate our local communities. That is what Rotary is all about. Thank you."

Speaker Madigan: "We wish to thank him very, very much. And he's indicated that he'd be willing to spend some time in the well to greet some of you if you wish to spend some time with him. So, thank you very much. Mr. McCarthy, did you wish to call House Bill 3088? Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker. I do not wish to call the concurrence on House Bill 3088. Thank you, though."

Speaker Madigan: "Representative Berrios."

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Berrios: "Thank you, Mr. Speaker. I'd like to table Senate Bill 2546."

Speaker Madigan: "Could you give us that number again?"

Berrios: "20... 2546."

Speaker Madigan: "2546, House?"

Berrios: "Senate Bill."

Speaker Madigan: "Senate. The Lady has moved to table Senate Bill 2546. You've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted, and the Bill is tabled. Mr.. Mr. Clerk, Senate Bill 2617, 2617. What is the status of the Bill?"

Clerk Mahoney: "Senate Bill 2617 is on the Order of Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. Mr. Clerk, Senate Bill 2411. 2411. What is the status of that Bill?"

Clerk Mahoney: "Senate Bill 2411 is on Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. Senate Bill 2635. What is the status of the Bill?"

Clerk Mahoney: "Senate Bill 2635 is on Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Mr. Hannig in the Chair."

Speaker Hannig: "So, on page 12 of the Calendar, we're going to resume Senate Bills-Third Reading where we left off yesterday. So, the first Bill on that Order would be Senate Bill 2560. Representative Hoffman. Representative

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Hoffman. Rep... are you prepared? Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "House Bill 2560, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Hoffman."

Hoffman: "Yes. Senate Bill 2560 simply clears up the Insurance Code in relation to Surplus Line Insurance. It pro... provides that Surplus Line Insurance may be procured from unauthorized insurance or domestic Surplus Line Insurance. The Bill further provides that a residual market mechanism is not included within a scope of the term 'authorized insured'. I don't know of any opposition to the Bill."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2560. 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 Turner. Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Sacia, for what reason do you rise?"

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

Speaker Hannig: "Yes, State your point."

Sacia: "Mr. Speaker, in the gallery today we have with us a very dynamic Lady, Kim Frick, and a very dynamic class that came all the way from Freeport, Illinois to watch the House of Representatives at work. Would the Members of the House

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join me at acknowledging Kim Frick and her class from Freeport, Illinois."

Speaker Hannig: "The Gentleman from Adams, Representative Tenhouse, for what reason do you rise?"

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen. The good looking young people that are clerking on this side of the aisle happen to be constituents from Ashland/Chandlerville High School. I would encourage everyone that needs anything from downstairs to use them and to tip them well. Thank you for bringing them to Springfield."

Speaker Hannig: "Mr. Clerk, would you read Senate Bill 2577?"

Clerk Mahoney: "Senate Bill 2577, a Bill for an Act concerning alcoholic liquor. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Senate Bill 2577 goes at the request of a local church in my district. We have a theater that's on church property, owned by the church. They had in the past been able to receive special event permits from the City of Chicago in order to have liquor sales at the theater. In light of the E2 nightclub disaster, they have not been able to get the number of permits that they had had in the past. Accordingly, the theater, in conjunction with the church and the community, have come to us to get an exemption to the prevailing law. This is a good Bill with no known opposition from the community. We'd be happy to answer any questions. Thank you."

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Speaker Hannig: "The Gentleman from Cook, Representative Fritchey, has moved for passage of Senate Bill 2577. 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 Turner and Lou Jones, have you recorded yourself? Mr. Clerk, take the record. On this question, there are 48 'yes', 66 'no'. Representative Fritchey, do you request postponed?"

Fritchey: "I do, Speaker. Thank you."

Speaker Hannig: "Okay. So, this will go on the Order of Postponed Consideration. Representative Coulson, the Lady prepared on Senate Bill 2583? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2583, a Bill for an Act in relation to children. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. 2583 is a Bill that you've seen before. We passed it out unan... unanimously to the Senate. It amends the Abandoned Newborn Infant Protection Act by adding police stations as a relinquishment spot. I can answer any questions."

Speaker Hannig: "The Lady from Cook, Representative Coulson, has moved for passage of Senate Bill 2583. Is there any discussion? And on that question, the Gentleman from Cook, Representative McCarthy."

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

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

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McCarthy: "Representative, I know early in the discussions on this Bill and your House Bill, many of the... or some of the police groups at least had some problems. Was that worked out or...?"

Coulson: "Yeah... yes. We... we have no opposition at this time. So, we worked it out with the police."

McCarthy: "So, the Chief... Chiefs of Police no longer have there op...?"

Coulson: "Yes. Yes."

McCarthy: "Thank you very much."

Speaker Hannig: "And on that question, the Lady from Cook, Representative Monique Davis."

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

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

Davis, M.: "Representative, I know we did pass this legislation and I'd like to know what your additions include?"

Coulson: "We added police stations as a spot for relinquishment because, as I mentioned about a month ago when we discussed this on the Floor, two of the babies that we have been able to save were actually dropped off at police stations in the last year. And so, we want to make that a... a completely legal place for a baby to be dropped off since mothers are using it as what they consider a safe place to abandon a baby."

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

Speaker Hannig: "To the Bill."

Davis, M.: "I... I strongly support this legislation. However, I urge the Sponsor to find dollars to make sure this



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availability is widely known. In Chicago, we recently had a young girl to put her baby in a drawer, put a pillow over it, a very young person... teenager who thought this would stop the baby from crying. She obviously did not want that child. So, now she will be a criminal perhaps and be given prison sentence. Whereas had she known about this legislation she could have taken the baby to a hospital, to a police station, to a fire department or to a social agency. But our children have to know that. We don't want this to happen to them. We don't want unplanned pregnancies. But we have to make sure that that kind of legislation is giving the information to the press, to the radio stations, to the schools. There's some kind of way the message has to be gotten out. Thank you, Representative, for this legislation."

Speaker Hannig: "Is there any further discussion? Then the question is... Representative Coulson, would you like to close?"

Coulson: "Yes, I would. And I... I would just en... thank the Representative for mentioning the funding, we will be working on that again this year with DCFS, and I will look forward to working with all the Members to get the word out. Thank you."

Speaker Hannig: "The question is, 'Shall Senate Bill 2583 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 Boland, would you re... like to be recorded? Mr. Clerk, take the

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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. Representative Delgado, are you ready on Senate Bill 2607? Okay. Out of the record. Repre... Representative Saviano on House Bill 2617. Representative Saviano, wish to move 2617? Okay. We'll take that out of the record. Representative Mathias on House Bill 20... Senate Bill 2620. Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2620, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 2620 amends the Insurance Code. It provides that a life insurance company cannot refuse to insure your limit... the amount of coverage that... that's available to you based on past travel that you may have out of the country. This is an initiative of the Jewish Federation of Illinois. There is no known opposition to it. We have worked... in fact, the Illinois Life Insurance Council are proponents. We have worked with them to make sure that they were in agreement with this legislation and... and, basically, in the Senate they amended it to make sure that they cannot deny your coverage solely on the basis of your past lawful travel experience. I ask for your 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2620. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed

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'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Tenhouse, for what reason do you rise?"

Tenhouse: "Thank you, Mr. Speaker. I guess Ashland/Chandlerville is very well represented today. And on the Democratic side of the aisle we've... there... we're joined in the gallery with the government class from Ashland/Chandlerville. You'll... Democrats will notice the young man with a red T-shirt that says 'Cass County Democrats', all that group around him are from Ashland/Chandlerville High School. So, thank you."

Speaker Hannig: "Very nice hat they're wearing. Representative Dunkin, for what reason do you rise?"

Dunkin: "Thank you, Mr. Speaker and Members of the House. I'd like to do a point of personal privilege."

Speaker Hannig: "Yes, state your point."

Dunkin: "Today joining us we have, all the way from Chicago, Illinois, Keen College Preparatory School and their students right to my right, there's 11 students and 2 parents. They're here visiting our Capitol today with their teacher, Brother Muhammad Abdullah. Give 'em a round of applause, please. Welcome."

Speaker Hannig: "Welcome to Springfield. Representative Mathias, are you... are you ready for the next Bill? Mr. Clerk, would you read Senate Bill 2630?"

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Clerk Mahoney: "Senate Bill 2630, a Bill for an Act in relation to estates. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Last year we passed a Bill to amend the summary administration for probate to increase the value of an estate that could use this from fifty thousand to a hundred thousand. What this Bill basically states is that you can now use a small estate affidavit and it would increase the maximum value from fifty thousand to a hundred thousand in order to be consistent with the... with the Bill. I ask your 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2630. 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? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 2683. Ready? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2683, a Bill for an Act concerning ethics. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Pihos."

Pihos: "Thank you, Mr. Speaker and Members of the House. This Bill adds to the list of state employees who must file statements of economic interest those employees who negotiate, assign, authorize, or grant naming or

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sponsorship rights to state property or assets. It ensures that there is no financial connection between the state employees responsible for executing sponsorship contracts and the private companies being awarded the naming sponsorship contracts. There are no opponents. And I ask for your 'yes' vote."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2683. 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lindner on Senate Bill 2690. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "Senate Bill 2690, a Bill for an Act concerning child support. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill amends the Public Aid Code, the Illinois Marriage and Dissolution Act and the Illinois Parentage Act and states that if there is an arrearage on child support when child support is terminated or a child reaches the age of majority, then that order shall continue until the arrearage is paid.

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2690. Is there any discussion? Then the question.. excuse me, the Lady from Cook, Representative Monique Davis."

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Davis, M.: "I'm sorry, Representative, you were saying this is the arrearage that a person who is paying child support owes?"

Lindner: "Correct. It... in other words, the order will continue as it is until the arrearage is paid, unless there... unless somebody makes another, you know,..."

Davis, M.: "Unless what?"

Lindner: "...goes to court and chan... unless you go to court and have a modification."

Davis, M.: "Well, the reason I'm concerned is I have a case before me now in which the child is 23 years old, going on 24. This parent has been given two different balances that he owes. One location said his bill balance was 14 hundred, which he paid. He was also advised that they would not be able to return his money if he overpaid. But my concern is that we will punish people who are genuinely not in arrearage."

Linder: "Now, this will not be punishing people because when..."

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

Lindner: "The child support order will state the amount, and that would be the regular amount that the person would be paying every month. And then if there is an arrearage on that amount, which they would know... which would be determined when child support terminated, you know, when the child reaches the age of majority or is emancipated in someway or if there is an agreement at a certain time that child support must terminate, if there in arear... if there is an arrearage owed, then that amount that the person has

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been paying regularly will still be paid until the arrearage is paid. This will be on... there will be notification because all support orders will have this on the support order. This is only perspective, so it doesn't apply to anybody who owes an arrearage now."

Davis, M.: "Okay. My only concern is that there be accuracy in the record keeping. Because you are hurting... we are hurting people when one office has this amount balance and another office has a different balance. Do you understand what I'm saying?"

Lindner: "Yes."

Davis, M.: "And they... it's impossible to get anybody on the telephone. You do know that? When these cust... these clients try to call and get some answers, it's impossible for the... for someone to answer them on that phone. It's a circuitous phone message, punch this, punch that, never anyone coming to discuss their problems with them. I'm going to support your Bill, but I really urge people to look at it very carefully. We still have a problem with child support."

Lindner: "Thank you. Thank you."

Hannig: "Is there any further discussion? Then Representative Lindner to close."

Lindner: "I just ask for passage of the Bill."

Hannig: "The question is, 'Shall Senate Bill 2690 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

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question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Yarbrough. Mr. Clerk, would you read Senate Bill 2707?"

Clerk Mahoney: "Senate Bill 2707, a Bill for an Act concerning the office of banks and real estate. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Cook, Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker and Members of the House. Senate Bill 2707 amends the Office of Banks and Real Estate Act to help prevent financial exploitation of the elderly by encouraging institutions to participate in the Department of Aging's Elderly Intervention Program. The department operates a financial fraud intervention program named 'be safe', or Bankers and Seniors Against Financial Exploitation. The program trains bank personnel how to detect, prevent, and report financial exploitation of the elderly. The program's aim is to protect elderly bank assets by increasing bank employees' awareness of certain indicators of exploitation. There's no known opposition of the Bill and I'd be happy to answer any questions."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2707. Is there any discussion? Then the question is, 'Shall this Bill pass?' Excuse me, the Gentleman from Vermilion, Representative Black."

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

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



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Black: "Rep... Representative, in light of the Governor's executive order, do you need to amend this to get the proper name of the department in the Bill? The Governor's executive order..."

Yarbrough: "I... I... I'm sorry, Representative, I can't hear."

Black: "Well don't... don't feel like you're the only one. The Governor's executive order consolidates several agencies into the Department of Financial and Professional Regulation. Should you amend your Bill to reflect the Governor's reorganization? Because your Bill requires the commissioner of banks and real estate, and I assume the Governor's executive order will take effect on July 1, your Bill will reference an entity that no longer exists."

Yarbrough: "That's correct."

Black: "Okay. So, shouldn't we amend it to reflect what the new agency will be?"

Yarbrough: "Representative, that has not happened yet. But if it does happen the Bill will reflect the new entity's name."

Black: "And... and how is that going... how will that work? If this Bill ends up passing and is on the Governor's desk, how will the name of the agency automatically be changed? I mean, nothing surprises me, I've seen miracles before here. But I... I've never seen that one. How will that work?"

Yarbrough: "I'm not sure."

Black: "I'm not either."

Yarbrough: "I... I've not had this experience."

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Black: "I... I really think, and it's up to you, you're the Sponsor of the Senate Bill, your Bill will be absolutely meaningless. You will amend a Section of the statute that will no longer be applicable and it will not have the name of the Governor's newly created super mega agency. I would suggest that you amend the Bill and run it through. But, I mean, that's up to you. But your Bill, as drafted, will probably end up on the Governor's desk amending a... an Act telling an agency that no longer exists to do something. Therefore, the Bill will be absolutely meaningless. And you're either gonna have to come back next year and change it, or you're gonna have to try and convince the Governor to change his executive order, and nothing has been filed to block any of the Governor's executive orders."

Yarbrough: "Representative, I... I understand what your concern is. But that has not happened yet. I'm sure that there'll be a way to process it after it leaves this chamber."

Black: "And where... where does it go after it leaves this chamber?"

Yarbrough: "It goes..."

Black: "Does it go... does it go to the office of changes?"

Yarbrough: "It goes to the Governor's desk."

Black: "Oh, you think the Governor's gonna change it?"

Yarbrough: "I'm sure that that will be taken care of."

Black: "Well, I'll tell you, Representative, I have no doubt that you'll get 117 votes. But I'm not gonna change it. I'm not gonna vote for it. The Bill is flawed. The Bill is incorrectly drafted. If you... all you have to do is

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change it or tell the Governor to change his executive order. That's what happens here when the Executive Branch doesn't work very closely with the Legislative Branch. I'm not gonna cast a vote on a Bill that is flawed because of a Governor's executive order, and nothing has been filed to change the Governor's executive order. Now, I suppose he could ammendatorially veto it and change it on the face and that it'll come back in November, but that's a convoluted way to do it when we could do it right in the first place."

Yarbrough: "Okay."

Speaker Hannig: "Representative Yarbrough, to close."

Yarbrough: "I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 2707 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 101 voting 'yes', 13 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2710."

Clerk Mahoney: "Senate Bill 2710, a Bill for an Act concerning financial regulation. Third Reading of this Senate Bill."

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

Lyons, J: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 2710 amends the Illinois Banking Act to authorize an out-of-state bank or national bank to merge with an Illinois bank if the out-of-state bank or national

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bank had this main banking premise in a reciprocal state to Illinois and would be eligible to establish a branch pursuant to the reciprocity requirements contained in the Act. The Amendment that we put on in the House also extends that same provision to the savings banks. There's no known opposition to this. It passed unanimously out of committee. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman from Cook, Representative Lyons, moves for the passage of 20... of Senate Bill 2710. 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 111 voting 'yes', 0 voting 'no' and 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2726."

Clerk Mahoney: "Senate Bill 2726, a Bill for an Act concerning the Department on Aging. Third Reading of this Senate Bill."

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

Lyons, J: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 2726, the purpose of which is to provide additional safeguard for nursing home residents. And what it does, it requires all volunteer... all paid ombudsmen to undergo a background check. There are no known opponents to it. I'd ask for your 'aye' vote."

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Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2726. And on that question, the Lady from Cook, Representative Mulligan."

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

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

Lyons, J: "No, I won't yield. Go ahead."

Mulligan: "Representative Lyons, is there a fee in this Bill?"

Lyons, J: "No, there's no fee that I know of."

Mulligan: "I mean, the... my seatmate told me, because I wasn't scrolling fast enough."

Lyons, J: "Your seatmate's giving you wrong information that I know."

Mulligan: "A volunteer has to pay for the training for a background check?"

Lyons, J: "Well, yeah, whatever expense would be involved with that I would guess so. Yeah, sure."

Mulligan: "Are these elderly volunteers?"

Lyons, J: "These are for the ombudsmen. The ombudsmen... will be required to get a background check on this. If there is some minor expense on that, it'd have to be incurred."

Mulligan: "Don't you think we could figure out how to cover it because they never like to pay for it? I mean, our senior center, we try really hard not to have to have them pay for things like that. I think this is a good idea. But I think we ought to continue to look for a way to cover the training for the background check for the people that are doing it."

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Lyons, J: "Well, Representative, I don't disagree with you. It'd be nice if we could. But I don't know where'd we get the money in this fiscal environment. I mean, this is just... I... I have not had that issue raised to me in committee..."

Mulligan: "I understand that and I figure the object is to get the program up and running and to get more people involved. So, I... I intend to vote for your Bill. But I do think we ought to look for some money in order to cover this at some later date and then I think we ought to monitor if it hampers anybody that they don't want to pay the fee."

Lyons, J: "Thank you, Representative."

Speaker Hannig: "Any further discussion? Representative Lyons to close."

Lyons, J: "I appreciate your 'aye' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 2726 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 114 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 Senate Bill 2732? Representative Smith."

Clerk Mahoney: "Senate Bill 2732, a Bill for an Act relating to schools. Third Reading of this Senate Bill."

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Speaker Hannig: "Okay. Out of the record. Representative Flowers, are you ready on Senate Bill 2744? Mr. Clerk, would you read that Bill, please?"

Clerk Mahoney: "Senate Bill 2744, a Bill for an Act concerning insurance coverage. Third Reading of this Senate Bill."

Flowers: "Thank you, Mr..."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Senate Bill 2744 provides that a group or individual surance... insurance policy or accident and health insurance that is amended, delivered, issued, or renewed after the effective date of this amendatory Act must provide coverage that's medically necessary, including bone mass measurement and for the diagnosis and the treatment of osteoporosis at the same term and condition that are generally applicable to coverage for other medical conditions. And I'll be more than happy to answer any questions you may have in regards to this legislation."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2744. And on that question, the Gentleman from Cook, Representative Parke."

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

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

Parke: "Representative, is there... according to our analysis it says here that the Department of Public Aid is opposed to this legislation. Can you tell us why?"

Flowers: "Quite frankly, I can not because I have not heard from the Department of Public Aid on this legislation. And

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according to... I haven't heard any opposition to this Bill. As a matter of fact... as you see, it passed out of the Senate 57-0 and out of committee 17-0. So, I'd know of no opposition to this Bill."

Parke: "Do you have any idea what it would... what it's gonna cost? Is there a cost to anybody? I mean, there's got to be a cost to somebody."

Flowers: "Well, it's gonna cost the person that's paying the insurance, you know. And... and if it's a medical condition that's necessary, it should be covered. And we're asking the insurance companies to have that as part of... to amend their insurance policy to add that."

Parke: "Well, it's also our understanding that the NFIB is opposed. Do you have any reason why the business community or at least why those represented by them might be in opposition?"

Flowers: "Once again, Representative, I know of no known opposition to this Bill. And as you see, it passed again out of the Senate, as well as out of the House Committee, with no descending votes. And so, this is my first time knowing of any opposition."

Parke: "Do the Chair read into the record any... any witness slips that were in opposition? Do you remember that? I believe the NFIB did slip it for record appearance only. I just... you don't know, you haven't heard from them?"

Flowers: "I can't answer that. Once again, no one has come to me with any concerns on this Bill."



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Parke: "Can you ex... can you tell us in what way does this amend the DPA Code?"

Flowers: "Well, according to the information that I just received... right now the Department of Public Aid already covered this and, according to staff, the Department of Public Aid just had a concern about the... the construct... the statutory construction of the Bill."

Parke: "Does that... does that concern you?"

Flowers: "No, because they're doing it already."

Parke: "They're doing one aspect of it. But I just am concerned that we're setting a precedent. That... that because we're already doing it might be a da... a dangerous procedent that now we're requiring everything that's been done by the Department of Public Aid to be in code, and that then will develop an awful lot of work for them. So, the underlying objective here I don't think is a bad idea. I'm just a little concerned about the direction that this legislation ultimately is taking the Department of Public Aid. Thank you."

Speaker Hannig: "Is there any further discussion? Then Representative Flowers, to close."

Flowers: "I would appreciate an 'aye' vote on Senate Bill 2744."

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 107 voting 'yes', 2 voting 'no' and 6

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voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2755."

Clerk Mahoney: "Senate Bill 2755, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Chapa-LaVia."

Chapa-LaVia: "Thank you, Speaker. Senate Bill 2755, amends the Higher Education Assistant Act with regards to the Illinois National Guard Grant Program. Under current law, when a person ceases to be a member of the guard they also cease to be eligible for the national guard grant. This legislation would allow for an additional year of eligibility as long as the recipient has not already received the exemption from tuition and fees for the equivalent of a four-year or full-time enrollment, as provided under current law. This Bill would allow recipient of an Illinois National Guard Grant, if that person has served in the guard for the least... at least five years and has served a cumulative total of at least six months of active duty, the person continues to be eligible for a grant for one year after their membership in the guard has ended."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2755. 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 115 voting

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'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2756."

Clerk Mahoney: "Senate Bill 2756, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Mendoza: "Thank you, Mr. Speaker. Senate Bill 2756 amends the Nursing Education Scholarship Law and it authorizes this scholarships for persons who are pursuing graduate degrees in nursing and to students in areas identified as designated shortage areas. Scholarships are currently permitted only for individuals pursuing an associate degree in nursing or an associate degree in applied sciences in nursing, hospital-based diplomas in nursing, bachelor's degrees in nursing, or certificates in practical nursing, but not for graduate studies in nursing. So, I think this Bill pretty much adds a significant group of nursing to the scholarship recipients that are eligible for it. And I would ask for your approval of this measure. Thank you."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2756. Is there any discussion? On that question, the Gentleman from Cook, Representative Parke."

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

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

Parke: "Representative, this is has a effective date of '05?"

Mendoza: "I believe so, yes. Hold on, let me... you know what, let me look. I'll be right with you on that."

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Parke: "I... I just... where's the money gonna come from the scholarships, Representative?"

Mendoza: "Oh, that's a great question, Representative. This has no fiscal impact. Because what we're doing is we are reorganizing the percentages of what scholarships go to what areas of study. So, if there's a 100 percent of it... let me give you the percentages. What we do is we reduce the percentage of scholarships that go to recipients for bachelor's degrees to 40 percent from 50 percent. And recipients pursuing associate degrees or hospital-based diplomas would go to 30 percent from 40 percent. And this would require that that additional 20 percent go towards graduate programs. So, we're using the same amount of dollars, but covering a greater base of nurses. So, I think it's a great Bill."

Parke: "Now... now didn't you say that there's no cost in General Revenue Fund, that this comes from nursing fees?"

Mendoza: "That's correct. We... we're not changing anything other than the distribution of the scholarships that are currently available. So, there's has been a..."

Parke: "What happens... what happens if the Governor's budget takes all the money out of this fund or depletes it to a point were all it can do is barebones service to that... that particular industry? What do we do then?"

Mendoza: "Well, I don't believe our Governor would do that because we are facing a nursing shortage and..."

Parke: "They what? Whoa, whoa, whoa. Time out."

Mendoza: "...and that would be a separate issue entirely."

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Parke: "No, it's not."

Mendoza: "I mean, this Bill is specific to..."

Parke: "No."

Mendoza: "...the scholarships and who's eligible for them. And I think that if..."

Parke: "No, it's not a separate issue. Right now the Governor's budget has required him last year to take significant moneys out of many funds, literally a couple hundred funds. And one of them is this fund. What happens if it depletes and he... and they come back again and take more money out of it to a point were there's just enough to barebones operate that... that fund? What happens then?"

Mendoza: "Well... well the only thing that this Bill does though, Representative, is deal with the current scholarship program for nurses. This doesn't impact the budget in any way whatsoever. If... if there were zero dollars and there's ze... zero dollars to distribute towards nursing scholarships. If there's ten dollars then there's ten dollars worth to distribute. So, hopefully, we'll have a lot more money in there like we do now and, hopefully, those funds will be protected. But in any case, what we're talking about here is 'x' amount of dollars that will be distributed in different ways so that different nurses pursuing different type of degrees will be eligible to go after those types of degrees. So, again, I... there is a fiscal note on this that impacted zero and I would ask for an 'aye' vote."

Parke: "Well, Representative, I... I'm still asking questions."

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Mendoza: "I'm sorry about..."

Parke: "And I still have a concern that if the money is depleted again, as was required by the budget from last year, and they deplet it again, we may not have enough money. I mean, this is what's happening to many of our funds that people in this state who have given increase fees and given additional money to promote programs like this."

Mendoza: "Yeah."

Parke: "All of a sudden we're finding that to balance the budget it's... it will require the Governor to take money out of these funds. I'm just concerned that if we continue to... and I like the underlying Bill."

Mendoza: "Sure."

Parke: "I have no problem with the Bill. I'm just concerned at how much money we keep taking out of these funds to where it's just barely operating the funds and we can't do without programs like this. So, I'm just pointing out to the Body..."

Mendoza: "Sure."

Parke: "...that the decisions that we make in the big picture on the budget are affecting programs such as this worthwhile program that you have out. So, I just want to point out to everybody when at the end of the day when the smoke clears and we've taken more money out of these special funds, be careful as to the ramifications of those funds affect these kinds of worthwhile programs. Thank you, Representative."

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Speaker Hannig: "The Gentleman from.. 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, in the original Bill, I'm not sure if the Amendment changes it, you went through the original Act, the Nursing Education Scholarship, and you deleted reference to hospital-placed diploma in nursing. That would eliminate for scholarships the few diploma-based hospital affiliated nursing schools that are left in the state. Did you mean to do that or has the Amendment put it back in there?"

Mendoza: "Representative, my indication is that the Illinois Nurse Association and the Illinois Hospital Association came up with the specific language, so this is an Agreed upon Bill..."

Black: "I... I don't care who came up with the language."

Mendoza: "...between those... those groups."

Black: "I don't care if Albert Schweitzer came up with the language. I asked you a specific question that impacts my district."

Mendoza: "Okay."

Black: "In the original Bill, all reference to hospital placed diploma in nursing is deleted. That would eliminate any scholarship going to a nursing student that is in what we call a Diploma-Based Nursing Education Program. That... that does not appear to make any reasonable sense to me. Has..."

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in the Sen... in the Amendment, Senate Amendment, did they replace that language and add graduate nursing or have they left diploma-based language out? Diploma schools were the original nursing schools, and I can't imagine why anybody would want to take them out."

Mendoza: "Yeah, my... my understanding of the Bill, Representative, is that the Bill did take out the hospital-based diploma. It says, well Rep... or better yet, it reduced it from 30... from 40 percent to 30 percent. It says recipients pursuing associate degrees or a hospital-based diplomas'. So, it is in there, it's just been reduced from 40 to 30, like we reduced from 50 to 40 those pursuing bachelor's degrees."

Black: "Representative... Representative, could... could you ask the staff to join you? That's not the question I'm asking. In the Bill, as introduced,..."

Mendoza: "The... the Amendment does satisfy your requirements."

Black: "...the words 'hospital-based diploma' has been removed from the Nursing Education Act. That is absolutely ludicrous."

Mendoza: "No. But it is..."

Black: "Was it put back in?"

Mendoza: "...it is in the Amendment, Representative. It says here, Senate Amendment 2757 as follows on page 1, lines 10 and 11, 'by replacing a hospital-based diploma nursing with a hospital based diploma and nursing.' The language is in the Bill."

Black: "All right. So..."



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Mendoza: "Yours... your..."

Black: "...hospital-based diploma is..."

Mendoza: "Yes."

Black: "...back in the Bill and you've added graduate degree, correct? In the Amendment?"

Mendoza: "Yes."

Black: "Okay. That..."

Mendoza: "That is correct."

Black: "That makes eminent good sense. I, for the life of me... see, I'm much older than you."

Mendoza: "Yes."

Black: "And almost every nursing school in this state at one time was a diploma-based school. And there still are some out there. And I could not... when I read this analysis I could not believe that they would take diploma-based nursing scholarships out of the Act. So, you say the Amendment put it back in?"

Mendoza: "It's in the Amendment."

Black: "All right. That's all I needed to know."

Mendoza: "And let me read you just for your..."

Black: "Go ahead."

Mendoza: "...or as a nurse educator in the case of a graduate degree in nursing program recipient. It's all in there"

Black: "I... I couldn't imagine else... I... I couldn't imagine that a person of your inherent, intelligence and goodwill would do anything but. But now that you've made it clear I intend to vote for the Bill. Thank you."

Mendoza: "Thank you."

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Speaker Hannig: "Any further discussion? Then Representative Mendoza to close."

Mendoza: "Thank you."

Speaker Hannig: "To close."

Mendoza: "Yeah, I thought my mike was off. I apologize. I just ask for your support and ask for an 'aye' vote. Thank you."

Speaker Hannig: "So the question is, 'Shall Senate Bill 2756 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... 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 Senate Bill 2757."

Clerk Mahoney: "Senate Bill 2757, a Bill for an Act concerning courts. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 2757 is concerned with the court system in the ability of the court system to conduct a... an Alternative Dispute Resolution Program in the reviewing courts, which would be the Appellate Court System. The purpose of the program is to create a special fund in the state treasury to facilitate the funding of Alternative Dispute Resolution Programs when they are established by the Illinois Supreme Court. The Bill also provides that law students in the Supreme Court of Illinois Support Programs for persons with

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problems in alcohol and drug dependency. I don't think the Bill is that significant and I would move for passage of the Bill."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2757. 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 think the Sponsor is to modest. Any Bill that he lends his name to is significant. And I'll stand here and debate that issue 'til the cows come home. When that Gentleman's name is on a Bill it is significant. It is so significant I've tried to figure out what it does and I can't. So, I intend to vote 'yes' because I generally vote for anything that the Speaker sponsors. And... well, he's a remarkable man, he's been here since Abraham Lincoln. And I just hope that my... my gesture of goodwill will free up some of my truly, truly non-significant Bills that I'm sure are delayed in Rules by a mere oversight that I know you can correct and will. And I stand in strong support of this significant Bill that will streamline the courts, bring justice, truth and light to the citizens of Illinois. And I'm proud that your name is on it, Sir."

Speaker Hannig: "The... the Lady from Cook, Representative Mulligan."

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

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

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Mulligan: "Speaker Madigan, I've always tried.. and I've sponsored a number of Bills to try and get problem and compulsive gambling recognized as an addiction that it is. And that... at some point I would hope that maybe we could amend that and put something in so the courts recognize it, particularly for nonviolent crimes. But I think that if you have a young law student, and there are those that are addicted to gambling as it's pervasive in our society, it would be good to recognize that as something that is an addiction that would be covered."

Speaker Hannig: "Any further discussion? Representative...  
Speaker Madigan to close."

Madigan: "I simply request a 'yes' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 2757 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Molaro, for what reason do you rise?"

Molaro: "Point of information, Mr. Speaker."

Speaker Hannig: "Yes, state your point."

Molaro: "Is the Speaker... when he speaks, is his microphone louder than all of ours? Because it seems he's so easier to hear and understand. I was just thinking maybe it was that his microphone might be louder because it's so easy to hear. Seems like when we're speaking on a Bill, we can't

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hear each other. And I was just wondering if our mikes could be turned up to the same level as his. Thank you."

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

Stephens: "What did he say?"

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

Bost: "Yeah, I think our esteemed colleague on the other side of the aisle is confusing us with the Senate, that things are quiet when everybody is speaking, and he'll get... he'll have to get used to that."

Speaker Hannig: "Mr. Clerk, would you read Senate Bill 2769?"

Clerk Mahoney: "Senate Bill 2769, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Cook, Representative Soto."

Soto: "Thank you, Speaker and Members of the House. Senate Bill 2769, proposed by the Illinois State Board of Education, requires that the high school student, except special education students, adult education students, and students who lack English speaking proficiency, must take the Prairie State Achievement Exam as a condition of receiving the regular high school diploma. Currently, all students are suppose to take the PSAE, the Prairie State Exam in Grade 11. But due to a loophole in the timing of the test, some students never take it. And I urge your support. Thank you."

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Speaker Hannig: "The Lady's moved for passage of 20... of Senate Bill 2769. And on that question, Representative Eddy, the Gentleman from Crawford."

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

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

Eddy: "Representative, you and I had a conversation regarding one component of this that there was some concern, and that involves regional safe school programs or alternative school districts where students will have to take the Prairie State Exam. Many of those students have been removed from their school district due to expulsions and they're not allowed on school property. Just want to make sure we establish the intention that those students, while they must take the Prairie State Exam, that that exam will be administered, according to your intent, at the place they are attending school, at the safe school, or the alternative school, and not back on campus where they've been expelled from."

Soto: "That is correct, Representative."

Eddy: "Okay. Thank... thank you very much."

Soto: "Thank you."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Fritchey."

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

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

Fritchey: "Is... a couple of questions so I make sure I understand this. This will require that everyone take the

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Prairie State test to graduate, but there's no requirement... you could score miserably on the test and still graduate. Is that correct?"

Soto: "Correct."

Fritchey: "So, there's no minimum criteria that you have to perform at on the test in order... you simply have to show up and take it."

Soto: "Correct."

Fritchey: "Okay. Today, and I'm looking at the analysis trying to understand this, everybody is required.. all students are required to take the test today."

Soto: "That is correct."

Fritchey: "This would actually allow some exemptions that don't exist today for certain students that would no longer have to take that test, correct?"

Soto: "Yes, that is correct."

Fritchey: "So, today, if this Bill became law, special ed students would not have to take the test."

Soto: "That is..."

Fritchey: "Adult ed students would not have to take the test."

Soto: "Correct."

Fritchey: "And students who lack English speaking proficiency would not have to take the test. Why would we exempt some of this categories out?"

Soto: "That the... this is a initiative from the State Board of Education, and I guess once they put this Bill together they worked it out with Senator Del Valle on the other side, in the Senate."

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Fritchey: "But I'm... I just... and I'm not trying to derail you at all, I'm just..."

Soto: "No, no."

Fritchey: "Why would we... why would we exempt certain groups out of having...? If we all agree that the test is important even though you don't have to score at any level on the test, why would we say that certain groups no longer have to take the test?"

Soto: "I don't know, Representative Fritchey, but I will get back to you on it. I will get somebody from the State Board of Education to come and speak to you."

Fritchey: "Thank you, I appreciate it."

Soto: "Thank you."

Speaker Hannig: "Is there any further discussion? The Gentleman from Cook, Representative Davis."

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

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

Davis, W.: "Just one quick question. In the analysis, it says that students who lack English speaking proficiency are exempt from taking that particular test?"

Soto: "Yes, because they would only be taking English classes, they wouldn't be taking high school... you know, it would just be as an English class. So, that's why they're not included in here."

Davis, W.: "That's why they're not included?"

Soto: "Correct."

Davis, W.: "What is the... what determines the English speaking proficiency that allows them to be exempt from this... how do



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you determine that? Is there a test that they must take to show their proficiency in English that would then allow them to take this exam?"

Soto: "These ...these would be a voluntary English class that they would be taking, so they wouldn't fall under this."

Davis, W.: "Okay, well, even those students who lack the English proficiency, is there something that they are required to take similar to this that allows them to move on beyond high school?"

Soto: "I sure there is, but I don't know what is."

Davis, W.: "Not sure what that is?"

Soto: "I can get back to you and inform you on that."

Davis, W.: "Okay, thank you very much."

Soto: "Thank you."

Speaker Hannig: "Is there any further discussion?  
Representative Soto is now recognized to close."

Soto: "Thank you, I urge your support."

Speaker Hannig: "The question is, 'Shall Senate Bill 2769 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 112 voting 'yes' and 2 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2809."

Clerk Mahoney: "Senate Bill 2809, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

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Speaker Hannig: "The Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. And I'd like to tell some of our friends here in the General Assembly that we are the second largest city... Aurora, Illinois is the second largest city. Okay. The source of bail bond, Senate Bill 2809. The problem we have right now is accused drug dealers or murderers with easy access to large amounts of cash from illicit dealings use the money to post bail. Once bail is posted, accused criminals walk out of jail and back into the society to possibly commit more crimes. Current law permits the court to inquire into the source of bail funds but there is no set standards written into the statutes to guide judges on what to ask and how to proceed. The proposed legislation would allow the State's Attorney to require source of bail hearings for those known by law enforcement agencies to be gangbangers or affiliated with gangs or known to be drug dealers or affiliated with drug dealers. Accused criminals would be required to submit proof of such as tax records and bank statements for the source of bail mon... to verify where the money came from so it didn't come from drug... drugs and things of those sorts. I ask for a favorable vote."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2809. And on that question, the Gentleman from Cook, Representative Fritchey."

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

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

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Fritchey: "Representative, I understand where the Bill came from and I understand the general concepts underlying the Bill. Doesn't this Bill, in fact, though, open up third parties to scrutiny from the court? This doesn't... this doesn't simply apply to the sour... if I'm the defendant and I take the money out of my bank account to post my own bail, I would understand that that would come under scrutiny. However, if I have a third party that is worth... post bail for me, all of a sudden that individual has to be willing to open their bank accounts, their tax records, all their activities to scrutiny by the court as well. Is that correct?"

Chapa LaVia: "That's corre... that's correct."

Fritchey: "Do you think that that would have chilling affect on what is a constitutionally allowable procedure right now?"

Chapa LaVia: "No, I don't. 'Cause what can happen, this actually protects that individual because the... the person that's the criminal, or behind bars, if they're a known criminal, they don't have a job, and they have their mom and dad come in, put up collateral, it could have come from the drug money. It could have come from those things, so that kind of protects them too. And they could be charged with money laundering."

Fritchey: "But... but at the same time, if you have a legitimate third party, a lawfully... a law abiding third party..."

Chapa LaVia: "Then there's no problem."

Fritchey: "There's no problem, assuming that that person is willing to open all of their bank records, tax attorneys,

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et cetera, to the court. Let me ask you a question. Any documents provided under this hearing, are they filed under seal?"

Chapa LaVia: "What did you say? Any documents?"

Fritchey: "If I have a... if I have a... if I have a third party post bail for me, the court can then require them to show tax returns, bank statements, et cetera, to show the source of that money. Is that correct?"

Chapa LaVia: "No, the Bill mandates... oh, okay. The Bill requires a background relationship to the accused of any certainty, the source of money a surety... the source of money property deposited by a surety, the source of money posted as cash bill... bail, and the background relationship to the accused... the person posting the cash bond."

Fritchey: "But the source of money is, in fact, the... the court... and I'm pulling it up because I think we've got a bit of difference here... hold on one second. There was said to be affidavits as to the source of the money, is that correct? And those affidavits become part of the court record, is that correct?"

Chapa LaVia: "Yes."

Fritchey: "And that court record is obviously subject to public scrutiny, is that correct?"

Chapa LaVia: "Yes. Yes."

Fritchey: "I guess I... I understand why you would do this to a defendant, I don't understand why you would you do this for third parties."

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Chapa LaVia: "Well, the idea behind the Bill is to protect the court systems from the laundering of money that does happen. It happens frequently. It's not..."

Fritchey: "Understood, and I... I support the intent of the Bill, but you're casting a really, really wide net here."

Chapa LaVia: "So, I don't understand why you're worrying about dirty money, I mean as far as being laundered."

Fritchey: "I... I... I'm worried about third parties who have to... third parties who may not want to post bail for an individual because you may have an innocent defendant, you may have an innocent third party, they say why should I have to open up myself to the scrutiny of the courts, all I'm trying to do is help my cousin, my employee, whatever it may be, post bail."

Chapa LaVia: "Right. Well, then... if... it's only when the State's Attorney feels that there's warrant to do that. When there's questionable, as far as income that they're receiving."

Fritchey: "When there's a questionable defendant or there's a questionable source of the money? If you have a questionable defendant, they are going to consider any source of the money to be questionable. All right. Thank you."

Speaker Hannig: "Any further discussion? The Lady from Cook, Representative Monique Davis."

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

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

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Davis, M.: "Representative Chapa LaVia, you know we have the most respect for you, but doesn't the Federal Constitution guarantee a defendant the right to bail?"

Chapa LaVia: "Yes, it does, Ma'am. But... but you have to pay with legitimate source of income. I mean, it has to be legitimate money."

Davis, M.: "You have to do what?"

Chapa LaVia: "It has to be paid with legitimate source of income. In my area, one of the largest issues I have is drug dealers and gangbangers."

Davis, M.: "Let's get the drug dealers, let's... let's not go into the personal business of someone who's attempting, perhaps, to help a relative. I've had a relative who was arrested because he owed tickets. So, if I'm going to pay his bail for him, I don't want to be called into a hearing, I don't have time for that. I'm going to be called into a hearing and my personal income is going to be questioned. This is a very bad Bill. It's very... it's undemocratic. There's a problem here. Now, if you want to stop drug dealing, arrest those who deal the drugs. Arrest them."

Chapa LaVia: "This Bill doesn't make you..."

Davis, M.: "Don't make criminals out of innocent people, and that's what this Bill is attempting to do. You are saying that I am now under the purview of the court because I choose to come forward and give... pay bail for someone. And the Federal Constitution guarantees everyone accused of a crime the right to bail. And there should be no laws that will limit the accused from the opportunity of paying the

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bail or having someone pay the bail. And I respect you to the utmost, but this is a very bad Bill. It's undemocratic and it's an attempt... it's an attempt by a few people who will decide that people cannot get bail. You're going to decide that that dentist who comes forward to put up bail for someone has to reveal his source of income, and it's none of their business. We cannot, we cannot remove from this country the right of people to have bail paid for them. Do we have a drug problem in this country and in this state? Yes, we do. But we cannot criminalize and bring it to court innocent people under the guise, under the guise of stopping drug dealing. It is simply wrong. Cook County jail is already overcrowded. It's overcrowded with people who can't afford bail. It's overcrowded with people who won't come and bail them out. Let's not crowd it even more by limiting the number of people who could come forth or who will come forth to pay that bail. I have to say this should be a 'no' vote. I'm sorry, this should be a 'no' vote."

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

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

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

Molaro: "Okay. Maybe more for legis... legislative intent, Representative, because I'm not sure what this means. I'm reading the Bill, and it says here, 'The court, in determination, shall include', so, they're not even saying 'may', it says 'shall include, but not be limited to, the

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source of any money posted as cash bail and whether any such money constitutes the fruits of criminal and unlawful..." So, in other words, if I were to put up your bail, for instance, and they say 'Where did you get it?', and I go, 'Out of my bank.' Is that good enough or do they say 'We want to know how it got into your bank?' I mean, could they ask that? How deep are we gonna go? Because then, if they're going to ask me how it got into my bank, I'd say 'Well, you know what, I'm not going to answer that. Let the girl stay in jail.'"

Chapa LaVia: "You can actually have sworn affidavits to... legitimate sources of income. If it... if it is questionable, then it could be investigated."

Molaro: "Okay. You know..."

Chapa LaVia: "First, you could be charged with perjury."

Molaro: "Right. Well, you know, here's my point. When you look... anybody who bought real estate, they're going to ask where you got the down payment. Say I got it from my bank, and you show that it was drawn from your bank. They don't usually ask then the second question, where did the money come from that put it in your bank? That's a question that comes... and it's a very private manner, and a lot of people don't want to answer that, even if we're not drug dealers. Well, I... I... just want to know how far you want to go. Now, let me go to the next part and I'll wait till your staff also listens because this is the part that really bothers me the most, and I want to have answered. This is the part that bothers me the most and I need an answer. Says in



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here, 'State's Attorney, the court shall, upon request of the State's Attorney,..."

Chapa LaVia: "Upon request."

Molaro: "...it says 'Shall, upon request of the State's Attorney, continue the proceedings for a reasonable period to allow the State's Attorneys to investigate the matter.' So, now you've up for bond, we're having a hearing, I come in with the thousand dollars to get you out of jail, and the State's Attorney says, 'I want time to investigate this.' So... they won't call on Representative Acevedo if they ask him to? If you want to answer his questions, I'll wait. Now, let's... let's go back to this. It says in there that the court 'shall' give the State's Attorney reasonable time. I just want to say what reasonable time is, 'cause as you know, Representative, we don't want them to say we need 30 or 60 days and now you're sitting in jail. I got the thousand bucks, I want to get you out. I don't want them to just have 60 days and you got to rot in jail, 'cause remember, at this point you're only accused of the crime, you didn't convict it. You should be entitled to bail just like anybody else. You're only accused of the crime. Once someone's convicted, I don't care if they rot in jail, but when you're just accused of a crime, I don't want them to be..."

Chapa LaVia: "You don't have to be sitting in jail, they can revoke the bail."

Molaro: "Yeah, but I'm putting up the bond to get you out."

Chapa LaVia: "And then they request..."

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Molaro: "And they can't you use my money..."

Chapa LaVia: "...a hearing and then you're released."

Molaro: "Say it again."

Chapa LaVia: "You post bond, they might request a hearing, if the hearing is granted then the court holds a hearing. If the source of the bail is found illegitimate and it's revoked, then you're sent back to jail."

Molaro: "Okay, so you get out pending the hearing, and then... that's terrific, then I like it. Thank you."

Chapa LaVia: "You're welcome. And for the Members here, it passed out unanimously out of the Senate and committee. It has no objections whatsoever... or opponents. I mean... so, and it's targeted to drug related crimes. Drug related crimes, gangs, violence, murder, those are the ones that are making the profits off our criminal system.. our court system. And right now, the current law is in New York, it's in Pennsylvania, Rhode Island and Florida."

Speaker Hannig: "Representative..."

Chapa LaVia: "Yes."

Speaker Hannig: "...there's sur... additional Legislators requesting debate on this. So, Representative Davis, the Gentleman from Cook, is recognized."

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

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

Davis, W.: "It appears that... that the intent of the legislation is to specifically deal with proceeds as it relates to drug sales. Where in the Bill does it specifically state that, or should the Bill be amended to say 'those individuals

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that maybe are convicted of drug sales' to make some direct correlation to that? Why doesn't the Bill specifically... at least according to our analysis, why doesn't it say that?"

Chapa LaVia: "Legitimate and lawful source of income."

Davis, W: "Well, I mean, but it seems like the intent of the legislation is to deal with money that comes as a direct result of drug sales or something related to that. Should the Bill specifically state that? Should the Bill be that..."

Chapa LaVia: "No."

Davis, W.: "Well, most of us feel that the Bill should be that clear. And, does it specifically say that?"

Chapa LaVia: "You don't... Representative Davis, this even goes into mortgage fraud and those things. When people are in that business and they buy homes with dirty money and that gets drawn in to post up his bail. There's a lot of issues that come up with this, but the majority of the reason this Bill came to fruition is because of the drug dealers and the gangbangers, things like that. I have one example for you, and you guys might be aware of this. On March 3, 2000, an attorney of a known drug dealer, walked out with... in with \$100 thousand cash to post bail for his client. I'm not going to mention the name. He was freed on bail, fatally shot a gang member and wounded two others on May 2003. Weeks after posting bail, the two witnesses set to testify against him recanted and wound up dead a month later, which we could have stopped in the court if we would have said, 'You know what, you have a rap sheet this long and you don't have a full-time job and you have a record,

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where did you get that \$100 thousand?' We could have kept him in jail longer and tried to, you know, to go after the case, as opposed to letting him out there and end up killing two other people."

Davis, W.: "Well, Representative, I think... we appreciate your example, but I think most of us are feeling that if the intent of the legislation was to specifically deal with either the proceeds of drug sales or directly to go after or... or to implicate those that have been convicted of something related to drugs sale or use of the drug money, that the legislation should be specific to that purpose. Because, even in the analysis, the example that's used relates to money derived from drug sales. So, why not amend the legislation to specifically deal with that, or if there are any other examples, specific examples, to state that these are the examples or the crimes, if you will, that have been committed that relate to that and this is why we want to investigate where that money comes from instead of being that broad?"

Chapa LaVia: "Representative, why would we limit one... one individual with certain criminal background to laundering money and not the other criminal? It happens in every form, a realtor... I mean, I can go down the line of all the issues out there and the people that are laundering money through our system, financial crimes, identity theft, they're laundering the money through our court systems."

Davis, W.: "I don't disagree with you, but we just feel that the... the legislation should be amended to go specifically

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after a certain group of individuals and not be that broad or have that broad of a discussion. Thank you."

Chapa LaVia: "Thank you."

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

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

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

Black: "Representative, you can have your staff attorney help... help both of us on this. Is there, in fact, an inalienable right to bail as guaranteed by the Constitution?"

Chapa LaVia: "I... I'm... I need to check with my staff on that."

Black: "Did... did Timothy McVeigh get bail? Did Jeffery Dahmer, the latest to practice cannibalism, did Jeffery Dahmer qualify for bail?"

Chapa LaVia: "No, they... they... not everybody gets bail."

Black: "That's right."

Chapa LaVia: "There is always a bail hearing."

Black: "That's right. You can get a bail hearing, but you're not guaranteed bail, right?"

Chapa LaVia: "Correct."

Black: "And so, all your Bill does is to establish a judicial review process to see if, in fact, the bail posted, which is usually 10 percent or a bond, is, in fact, posted by legal means, correct?"

Chapa LaVia: "Correct."

Black: "So, you could draw an analogy. Can I buy a million dollar house with a million dollars of illegally obtained money?"

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Chapa LaVia: "Yes, you can. It happens often."

Black: "Can I... can I have contributed to my campaign account in this delightful campaign season, can I accept a \$50 thousand contribution from illegal means?"

Chapa LaVia: "You could."

Black: "Wouldn't be a good idea though, would it?"

Chapa LaVia: "It's your choice."

Black: "Yeah, it wouldn't be a good idea. So, when all is said and done, it's simply as other states have done, is to set out a judicial procedure to determine whether or not the cash posted is cash obtained from a legal source, and it's easily checked. Most people mortgage their house or they get a loan or they go to relatives. Easily checked. It isn't going to take six months or a year to check out where you got the money. So, it just sets out a criteria that, in fact, the bond posted or the bail posted is from legal sources, correct?"

Chapa LaVia: "Correct."

Black: "My, what a..."

Chapa LaVia: "It sets up criteria for the judge to allow them to do that."

Black: "What a novel idea that we would ask that legal sources be utilized to pay a bond in a legal hearing. What a novel idea, I think I'll vote for it."

Chapa LaVia: "Thank you."

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

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

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

Giles: "Well, let me... let me first say, you know, I think the previous speaker just got through saying that, you know, that this... you know, to find out if this bond has been posted is a legitimate bond and that it could take practically minutes or it won't take long. But, you know, being an African-American, a black man, in this country, you know, there's a lot of paper work that can get missing. There's processes that are not fair and equitable, there is all sorts of games that are played. So... so, that individual may not have experienced those type of things, being a black man, I know I have. So... so, therefore, I understand a different process, and I understand that that Representative may not understand that process. But let me just continue with the question at hand, and that is that I think you stated that... who determines... who determines... well, the first question is, what is an average bail? What is the amount of an average bail? That an individual can post for bail?"

Chapa LaVia: "It's different for different crimes."

Giles: "It's different for different crimes."

Chapa LaVia: "Depending on the level of threat or of crime committed."

Giles: "Okay. And so, I think you're stating here in this legislation 'drug related crimes'. Now, once again, I think my colleague, Representative Davis, Will Davis, stated that this legislation is not geared towards a specific group of individual. I think you're trying to

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make it, but according to the language it's... it's very broad. Because you're not talking about individuals that have been convicted ...that has been convicted of a drug related crime, you're simply stating individuals that has been accused. Is that correct?"

Chapa LaVia: "Correct."

Giles: "So, now, for an in... for someone to find out the bail that I post... if that bail is legitimate, don't you think that there are some circumstances of individuals that can get bail monies from relatives, from sources that may not want disclosure, sources simply good friends of the family that don't want any involvement with that particular type of crime, simply want to help out that immediate family or the mother of the accused? Don't you think there's some circumstances in which bond monies may... they're legitimate bond monies but they're simply... the parties who's lending or who's granting may not want to... want their name associated for the simple fact we're talking about drugs... quote 'drugs related incidents'. Don't you think there's some scenarios like that, Representative?"

Chapa LaVia: "There possibly could be, Representative."

Giles: "There possibly could be. So now, if there possibly could be... so we're subjecting the individuals that possibly could be into a situation where they could have their human rights denied. Is that correct?"

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

Giles: "Well, you know, if there's some individuals that could possibly... if some scenarios could possibly be in which



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monies are legitimate and individuals who lend or grant or give monies to that specific party to post bail and the family who... or the individual who gives those money simply don't want their name involved for the simple fact it is, quote, unquote, 'drug related incidents', then if... there's a possibility that there's a group of individuals out there then... what you're saying that these... some individuals could have their human rights violated. Is that correct? Well, Representative, let me continue on. You know, I understand what you're trying to do, you're trying to get tough on crime here, and you're trying to stop money laundering and... and some other high profile type of incidents taking place. But, you know, I think we better be very careful when we legislate language that's very broad, and that's what this language is. Because what's going to happen, the little guy who's innocent who cannot hire a qualified lawyer to represent his or herself is going to be a victim of this particular situation. There's going to be some individuals that will fall through the cracks on this legislation because it's not... this legislation is not poignant yet. It's not specific towards a group of individual that the courts have said that they have committed a crime, that has been convicted. That individual has been convicted. You're putting individual... I mean, I can go out there and walk the streets and be in an environment in which individuals are dealing drugs, which happens often in my community, and so, therefore, I get caught up in a situation. And you're telling me that because my uncle want to give me \$100

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thousand worth of bond monies, then I gotta through a process and wait to see if those bond monies are legitimate. Meanwhile, I am incarcerated three... a week or two weeks, or whatever that may be, and I am an innocent individual and I'm gonna fall through the cracks in some legislation that we put forth in this Body. Is that correct, Representative?"

Chapa LaVia: "That's not correct. You can be released, you're not sitting in jail. The court can actually call for..."

Giles: "Representative, I'm sorry, I wasn't part of... did this come through Jud-2 Committee? Is that correct? Does this come..."

Chapa LaVia: "I'm sorry."

Giles: "...this language come through Jud-2? I'm not a Member of that committee. I just have some great concerns about this legislation. Once again, to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Giles: "I think this legislation is too broad. I think there's going to be some innocent individuals that are hurt, especially African-American males, young men who's accused every day. And there are some that are guilty, but I know specific situation where there's young Africa-American men who get accused every day of such drug related crimes, just as we put a label on everything is gang-related, drug-related, and they are innocent. And... and so, we're gonna pass some legislation now that's gonna deny their basic rights to be able to post a bond until we can make sure that those bond dollars come from a conventional

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institution, such as a bank, when there's individuals, there are seniors everyday that do not use a conventional banking system today. So, we're asking a lot for a broad base of individuals in this legislation. So, I... at this time, I will have to urge a 'no' vote on this legislation."

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

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

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

Aguilar: "Thank you Representative and my records indicate that there's no opposition to this Bill and that the Cook County public defender takes a neutral position on it."

Chapa LaVia: "This is correct."

Aguilar: "Which indicates that they've taken every consideration when it comes to individual rights."

Chapa LaVia: "Correct."

Aguilar: "Would you agree that gang members, specifically, you know, when they get post bail money, 90 percent, if not higher, of their money that they use to post bail comes from illegal activities such as gun sales and drug sales?"

Chapa LaVia: "Correct. And areas like Berwyn, Cicero and Aurora, that's definitely very, very true."

Aguilar: "Correct. So, if someone indicated or is a third party involved when you do get a source of post money being for the bail, if you have nothing to hide... you have nothing to hide, you can post a bail for individuals that you, you know, that might know that got arrested and need the bail.

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So, basically this Bill was reviewed by the public Cook County defender and sees no problem."

Chapa LaVia: "Correct."

Aguilar: "Thank you, Representative. It's an excellent Bill and I... I... you know, thank you for bringing up to legislation. Thank you very much."

Speaker Hannig: "Representative Scully. Representative Scully, do you wish to speak? The Gentleman from Cook."

Scully: "Yes, Mr. Speaker. Will the Sponsor yield?"

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

Scully: "Representative, in the analysis that I have before me it indicates that under the current law, the courts currently have the ability to make an inquiry about the source of bail funding, and to the pre... prevent the use of illegally obtained funds for bail. That that is part of the current law, is that correct?"

Chapa LaVia: "Yes, it is."

Scully: "Could you tell me where in the law that currently exists?"

Chapa LaVia: "In Section 10-5, 'Determining the amount of bail on conditions of release', and line 26, page 2, 'The source of bail funds tendered or sought to be tendered for bail.'"

Scully: "Now, is that language that you're reading from, does that appear in the Bill that's before us for consideration?"

Chapa LaVia: "Yes, it does."

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Scully: "Okay, so that language exists on the system. Now, under current law, is there any... are there any guidelines for the courts to use in this analysis?"

Chapa LaVia: "There is no guidelines for the judges, there's no criteria set out to help them... help the State's Attorney to make sure that that money is... is legitimate."

Scully: "Is that to help the State's Attorney or to help the judges make their decision?"

Chapa LaVia: "It's to help the judges make their decision."

Scully: "So... so, is... does... is there a lack of uniformity now within the court... criminal court system?"

Chapa LaVia: "Yes, there is across the board."

Scully: "Okay. So, your Bill simply lays out the standards that the judges should be using in making this determination?"

Chapa LaVia: "That is correct."

Scully: "It would also give the defendants the opportunity to know the guidelines within which the courts are allowed to make their inquiry."

Chapa LaVia: "They'll... they'll know exactly what to expect."

Scully: "Thank you, Mr... Representative. Thank you very much."

Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the Body, this is an excellent piece of legislation. I commend the Sponsor. This is something that'll bring the State of Illinois into compliance with the federal guidelines, which is already done, it's already

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done by many, many states. There really is no good reason not to ask where money is coming from, particularly if the money is coming in the middle of the night in the form of cash bail being posted at the sheriff's station. There are a lot of valid arguments been made today, one of the one's I find most compelling is the idea of money laundering. If you post \$5 thousand cash and ultimately that money comes back to you from the local circuit clerk in the form of a check, what have we done but laundered that money if indeed it was the proceeds of a nefarious drug operation. This is a wonderful Bill, I don't know why we're having this debate. I commend the Sponsor and urge its passage. Thank you."

Speaker Hannig: "The Gentleman from Lake, Mr... Representative Washington."

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

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

Washington: "To the Bill. If I understand it correctly, and not ignoring everything that's been said, my colleague over to my right mentioned the statistic was 90 percent of the people involved gang related, or what have you, as questionable where the source of money come from. And when I think about money, the kind of dirty money we handle everyday in the system, and the fact that we're looking at how we let... close and loopholes of letting certain corporations go and set up in foreign places and how they get certain tax-write offs, I mean, that's just as wrong as what we're talking about. But the thing that kind of

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puzzles me is that the 10 percent who may fall through the cracks or become a casualty, based on my colleague's, Representative Giles, was making, I don't want to ignore that point. Because I'm reminded that the death penalty moratorium, most people might've believed that everybody on death penalty was guilty. And until DNA came about, some innocent lives were saved and some families were able to keep their husband and brothers and what have you. So, the few people who are hurt by something that's just as important as the few people that are helped by it. And so, I want to ask the Sponsor, could she just give some... little bit more clarity on the thing that Representative Giles mentioned earlier?"

Chapa LaVia: "Representative Washington, all this does is give the judges guidelines. It already is in play, it's already there. They can do it but they don't have the criteria to perform what they need to do as judges."

Washington: "Representative Chapa LaVia, so the judge has discretion in this or are we talking about creating an alternate to the judge's discretion? Because in the Bill I see it said... well, it mandates the court to examine material witnesses under oath."

Chapa LaVia: "No, Representative. This is the judge's discretion."

Washington: "I'm sorry?"

Chapa LaVia: "This is... this is the judge's discretion. He... the judge..."

Washington: "So it is still the judge's discretion."

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Chapa LaVia: "...he or she always makes the final decision. Yes, Sir."

Washington: "Okay, thank you."

Chapa LaVia: "You're welcome."

Washington: "Thank you."

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

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I just have one question of the Sponsor, and I'd just like to use this example. I got a... I got a niece that lives... I got a nephew that lives in Alton, Illinois. He gets arrested for... let's say some petty theft, something... shoplifting. I'm a drug dealer in Chicago, I want to bail my nephew out. My sister calls me and says, 'Listen, I want to bail... you know, he's in problems, he's got a \$2 thousand bond. No major, but it's... you know, he needs \$2 thousand.' If I send that two thousand... would this scenario work in that case? I understand when you're trying not to bail out a drug dealer and you're using the money from the drug dealer, but how about the uncle who's a drug dealer trying to help the nephew or the niece who may be 20, 30, 100 miles away?"

Chapa LaVia: "Right."

Turner: "How does this... this work?"

Chapa LaVia: "Well, it's actually up to the judge's discretion. If that nephew has prior convictions or has prior issues,..."

Turner: "No, just a good kid..."

Chapa LaVia: "...then... then..."



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Turner: "...who just got..."

Chapa LaVia: "...then almost no. They wouldn't need to. But, you know, I'm not an attorney and she feels the same way when I said it's up to the judge's discretion."

Turner: "I mean, I'm... I'm with the overall intent in terms of not being able to help the crook get out again."

Chapa LaVia: "Correct. Correct."

Turner: "But, in the case where you got... you've got a, you know, a kid who happened... had a situation with the law. He's got an uncle that he's... there's no way there's a correlation between the uncle and what the nephew has done in terms of the crime or their relationship, and this uncle then in turn wants to bail him out of jail. Could... would he fit into this scenario?"

Chapa LaVia: "Well, the issue is, you know, one, the law's already there federally. This would allow the judge to have criteria to do what they need to do to make sure that the money is legitimate. That's the bottom line. And... and I think this chamber... the Members... some people don't understand when I say 'laundering money', I... we pull... say I go in and post \$100 thousand, okay, because they want my... my friend needs to return to court to make sure all the process of our judicial system works for the person, regardless of guilty or innocent, okay. And, they give me back a check, they don't give me back my thousand.. \$100 thousand, so when I'm talking about laundering, that's what I'm talking about. The money goes into the court system. There have been known cases where we give the courts

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counterfeit money and they have no recourse. They don't have those guidelines that I'm trying to do here today to help them not to accept that money. Okay? Thank you, Sir."

Speaker Hannig: "Representative Chapa LaVia to close."

Chapa LaVia: "I would just request a favorable vote. Thank you."

Speaker Hannig: "The question is, 'Shall Senate Bill 2809 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 84 voting 'yes', 23 voting 'no' and 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2810."

Clerk Mahoney: Senate Bill 2810, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Brauer."

Brauer: "Thank you, Mr. Speaker, Members of the Chamber. This is a very simple Bill. All it does is it changes the format on the ballots pertaining to the election of school board members in order to make the ballot more friendly user. There are numbers ballot types that are used throughout the state for electing school board members. In some case, however, voters must elect school board members from additional congressional townships due to current board makeup, thereby creating a rather confusing ballot format. This legislation adds language to each of the

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following ballot formant types to reiterate how many board members must be selected in the terms for which these members are being selected to serve. I ask for a 'yes' vote."

Speaker Hannig: "The Gentleman has moved for the passage of Ho... of Senate Bill 2810. Is there any discussion? Then... 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 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby passed. Mr. Clerk, would you read Senate Bill... excuse me, Representative Osmond, for reason do you rise?"

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

Speaker Hannig: "Yes, state your point."

Osmond: "Members of the House, please join me in welcoming the National Kidney Foundation of Illinois to Springfield. Wilma Lang, Executive Director, Kate Grubbs-O'Connor, Associate Executive Director, and Doty Bika, Director of patient services. Please join in welcoming them."

Speaker Hannig: "And the Chair would also like to acknowledge a former Member who also served some time with the Judiciary Branch, Representative... former Representative Thomas Homer is with us in the middle of the aisle. Representative Mendoza, for what reason do you rise?"

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Mendoza: "Thank you, Mr. Speaker. I'd like to move to waive the posting requirements for Senate Bill 1400 in the Elementary & Secondary Education Committee tomorrow at 3p.m."

Speaker Hannig: "The Lady has asked... the Lady has moved that we waive the posting requirement on Senate Bill 1400. Is there any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Motion is adopted and the posting requirement is waived. Mr. Clerk, could you read Senate Bill 2827?"

Clerk Mahoney: "Senate Bill 2827, a Bill for an Act concerning the Auditor General. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Speaker. This is the Auditor General's annual transfer Bill and it amends the State Finance Act. It transfers money from various special funds to the Audit Expense Fund and this money is... which is used by the Auditor General to audit the special funds in the course of the year. This year we have... the transfer's \$3.7 million for the Audit Expense Fund, this is a reduction of 388,000 or about a 3 percent reduction. This is one part of the Bill. These funds are transferred in this Bill and then in a separate appropriation Bill those funds have been allowed to be expended to do the audits of special funds. Ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2827. And on that question, the Gentleman from Cook, Representative Parke."

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

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

Parke: "Do I understand this right that the more he fines the more money he gets? Is that what you're trying to tell us? That he now not only controls that the ability now to fine, but now he benefits from the fines? So if he fines more he gets more?"

Mautino: "No."

Parke: "Can you explain to me how that analogy is different?"

Mautino: "These funds are held within the Treasurer's account and we transfer them once a year."

Parke: "Okay."

Mautino: "This is actually a reduction from previous years, but these funds are held there and once a year he must move them from the Treasurer's accounts into the Auditor's fund itself. So, this is just a normal transfer which is... which is done each year."

Parke: "And that's the only thing this Bill does?"

Mautino: "Yes."

Parke: "Doesn't change..."

Mautino: "We don't... he doesn't give bonuses for fining."

Parke: "Well, I mean, that's what it sounded like to me. All right, thank you."

Mautino: "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

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wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having a received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2839."

Clerk Mahoney: "Senate Bill 2839, a Bill for an Act in relation to certain land. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2839 is a very simple Bill and it simply conveys 18.24 acres from the City of Dixon to the Lee County Industrial Development Association, which is the economic arm for Lee County. There's no state property involved. The sale will be for \$1. I just urge your 'aye' votes. Thank you."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2839. 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 114 voting 'yes', 0 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2845."

Clerk Mahoney: "Senate Bill 2845, a Bill for an Act concerning public health. Third Reading of this Senate Bill."

Speaker Hannig: "Representative McGuire."

McGuire: "Thank you, Mr. Speaker. We have asked that this Bill be taken back to Second for an Amendment, please."

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Speaker Hannig: "Okay, so we'll take..."

McGuire: "We have requested that."

Speaker Hannig: "We'll take this out of the record and we'll get to that at a later time. So... okay, so, Mr. Clerk, would move this Bill back to the Order of Second Reading at the request of the Sponsor? And Mr. Clerk, would you now read Senate Bill 2858?"

Clerk Mahoney: "Senate Bill 2858, a Bill for an Act concerning business transactions. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Champaign, Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. This Bill requires Internet service providers to give Illinois residents a 30-day notice of an annual renewal date if they have a Internet service that would automatically be renewed for another year. The provider must supply the consumer with a secure method to cancel the service that doesn't require a written or an oral authorization, and this is for individuals not for businesses."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2858. 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 2878?"

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Clerk Mahoney: "Senate Bill 2878, a Bill for an Act concerning human rights. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Turner."

Turner: "Thank you, Mr. Speaker. With leave of the Body, I'd like to bring this back to Second Reading for purposes of an Amendment."

Speaker Hannig: "So Gentleman asks that we... Mr. Clerk, that we return this Bill to the Order of Second Reading. Mr. Clerk, would you read Senate Bill 2879?"

Clerk Mahoney: "Senate Bill 2879, a Bill for an Act concerning mosquito abatement districts. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill simply requires mosquito abatement districts to notify the Department of Public Health of local health... city health departments if there are any indications of West Nile Virus. What has happened since this outbreak has come along, they have not really been required to notify the local health departments... the certified local health departments that, in fact, there are hot spots in the neighborhood and that appropriate action be taken to... to alleviate those hot spots. So, it's very simple. I know of no opposition."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2879. 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



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all voted wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2894."

Clerk Mahoney: "Senate Bill 2894, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2894 is an initiative of the State Police. It requ... would require anyone who is authorized to use blue flashing lights on their vehicles to carry an identification card identifying them as a member of a fire department, fire protection district, a rescue squad, an ambulance unit, or an emergency management service agency. I would request your support and I'd be happy to answer any questions."

Speaker Hannig: "The Lady... the Lady has moved for passage of Senate Bill 2894. 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 113 voting 'yes', 2 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2900."

Clerk Mahoney: "Senate Bill 2900, a Bill for an Act concerning public aid. Third Reading of this Senate Bill."

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Speaker Hannig: "The Gentleman from Cook... Rep... Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 2900 simply requires the Department of Human Services to develop a comprehensive plan to revise the state's rates for the various types of child care provided for TANF recipients. There's been no general rate increase since 1998. This Bill contains no fiscal impact and it passed committee unanimously, it passed the Senate unanimously. I know of no opposition. I ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for the passage of Senate Bill 2900. 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2907."

Clerk Mahoney: "Senate Bill 2907, a Bill for an Act concerning consumer protection. Third Reading of this Senate Bill."

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

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 2907 simply provides that the Illinois Commerce Commission share information with the Attorney General's Office and local State's Attorneys Office when it comes to information concerning the enforcement of consumer

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protection laws. I know of no opposition. Be happy to answer any questions. Move an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2907. 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2918."

Clerk Mahoney: "Senate Bill 2918, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 2918 amends the School Code seek in the decrease drop out rates. It increases the compulsory school age from 16 years old to 17 unless a child has already graduated from high school. It also provides for a truancy hearing after three truancy notices have been given and not complied with and gives a truant officer the option of conducting truancy mediation instead of requiring the officer to make a complaint against the student's custody to the State's Attorney. It will amend certain provisions that currently apply to truant officers so that they can apply to the regional superintendent of the schools or a designee in a school district that does not allow or does

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not have a truant officer. And I would be open to any questions."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2918. 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 101 voting 'yes', 13 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2921."

Clerk Mahoney: "Senate Bill 2921, a Bill for an Act concerning housing. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Cook, Representative Lou Jones."

Jones, L.: "Thank you, Mr. Speaker and Members of the House. Senate Bill 2921 amends the Illinois Housing Authority Act. It simply corrects the unintended consequence of legislation passed last year. The Bill makes it clear that the Illinois housing authorities will not have to submit the fingerprints of their public housing residents to the Illinois State Police unless the residents request it for the purpose of clarifying a report of a criminal conviction or if the housing authority desires to deduct... conduct a 50 state criminal background check, which housing authorities are not currently requested to do under federal regularities. I ask for an 'aye' vote."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2921. Is there any discussion? Then the question is,

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'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 112 voting 'yes', 2 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2940."

Clerk Mahoney: "Senate Bill 2940, a Bill for an Act concerning public health. Third Reading of this Senate Bill."

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

Miller, D.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2940 allows the Department of Public Health to collect and maintain health data at extent, nature, and impact of obesity. They obtain this information from school health forms. I'd ask for a favorable vote."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2940. 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 110 voting 'yes', 5 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Ho... Senate Bill 2946."

Clerk Mahoney: "Senate Bill 2946, a Bill for an Act concerning civil rights. Third Reading of this Senate Bill."

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

Fritchey: "Thank you, Speaker. Senate Bill 2946 is a trailer Bill to the Illinois Civil Rights Act of 2003, which I sponsored and we passed last year. It simply clarifies certain provisions from that legislation. This Bill came out of the Senate unanimously, out of committee unanimously. We know of no opposition and be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for the passage of Senate Bill 2946. 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2962."

Clerk Mahoney: "Senate Bill 2962, a Bill for an Act concerning business. Third Reading of this Senate Bill."

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

Fritchey: "Thank you, Speaker. Next on the agenda, Senate Bill 2962, an initiative of Senate President Emil Jones. This Bill merely extends the sunset for the Women's Business Ownership Act, currently set to sunset on September 1st of this year to September 1st of 2008. Again, this came out

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of the Senate unanimously. We know of no opposition. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2962. And on that question, the Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, how is the Women's Business Ownership Act doing in Chicago? How's that coming along? Pretty good?"

Fritchey: "I guess it depends who you ask."

Black: "Well, I just... all I know is what I read in the newspapers."

Fritchey: "That's a dangerous proposition, Sir."

Black: "Oh, I didn't think there'd be any opposition. I mean, who'd want to stand up and oppose openly the Women's... you know, extending the Women's Business Enterprise Act? But, as I recall, didn't the Tribune say that many of the contracts awarded under this in Chicago, the women were just fronts and they were really owned by, shall I say, men?"

Fritchey: "Shall you say. I think that, you know, any Act we pass out of here has the potential for alleged abuse."

Black: "Ah."

Fritchey: "But the intention here is a good one and I think that we got a good track record here of trying to open the

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doors up for success to not only women but minorities throughout this state."

Black: "I absolutely agree. And you're going to keep watch on this and report back to me at some date that we're making a concerted effort to award those contracts to legitimately owned by women business enterprises rather than use fronts. And... and as far as I'm concerned it may not be illegal, but it's unethical as all getout to award a contract to a supposed woman-owned business when the government entity may know, in fact, that it isn't really owned that way. So, you're going to keep an eye on that for me?"

Fritchey: "I'm gonna keep both eyes. And I'll tell you what, if I hear of wrongdoing I'm gonna be on the next bus down to Danville and I'll let you know myself."

Black: "All right. And if there's anything I can do to help you in that, because I want Chicago to thrive but I want them to also follow the rules and regulations. And you assure me that that's going to be done?"

Fritchey: "I assure you that there'll be a vigilant eye kept on this."

Black: "For example, if the city owns a Casino, which may be a possibility in the next two weeks, there's a strong possibility that the management firm will be owned by women, correct?"

Fritchey: "I have no details on that yet."

Black: "I just think it'd be a good idea. Thank you very much. I've worried about this ever since I read the article in the Tribune."



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Speaker Hannig: "The Gentleman from DuPage, Representative Meyer."

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

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

Meyer: "Representative, I'd like to talk with you a few minutes about one of the provisions of this Act and that is the reporting of data that's gathered. There's a report that's required each year to the General Assembly and the Governor's Office. I don't recall seeing it this year. Was that... was that report provided to us?"

Fritchey: "My understanding is that the report will be forthcoming. It hasn't been prepared as of yet, but obviously the report is required and, as such, will be put... excuse me, will be produced and put out."

Meyer: "Do you know the date that that report is required to be to us by?"

Fritchey: "I don't."

Meyer: "Okay. Well, my thought is we're at the end of the Session and, of course, one of the things that that report is suppose to be provide to us is suggestions for initiatives on how better to improve access of women to financing and... and ownership of business. Of course, if it comes too late in the year where we can't react to what the report says until another year goes by. Can you identify any initiatives that have been obtained or suggested through this report in previous years?"

Fritchey: "I have not looked at the report since it came out last year. The Women's Business Ownership Act recognizes

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that we are doing ourselves a service by tapping into the potential of women business owners throughout this state. I can tell you just in my district when I look at the women-owned businesses that have contributed both culturally and economically to our community, and I'm sure it's the same in your neck of the woods as well."

Meyer: "Well, where do we stand in terms of percentages of women-owned businesses in this state? How much has that increased over the last year or two?"

Fritchey: "Well, as of 2... as of 2002, we had 277,574 women-owned businesses in Illinois. That accounted for 31 percent of all privately held firms in this state. Let me just further add since you had asked, women-owned firms now employ over 515 thousand people and generate over \$50 billion in sales. That puts us number 5 in the entire country in women-owned businesses. So, I think the work that we've done and the track record that we've established so far has put us at the top of the country... or very close to the top of the country, as I think we're definitely doing something right."

Meyer: "Is that on target for where we should be or are we lagging behind that target? You said 31 percent, yet women make up more than 31 percent of the population."

Fritchey: "What... I think the target is to do the best we can to enable any woman that wants to go into business to help her in order to do that or to help any business owner do that. So, your target is one that with which you should never be satisfied, we can always do more. But I think that the

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fact that we have gone to number 5 in the country shows that we're making good strides."

Meyer: "Will this report identify whether financing opportunities are more accessible to women than they have been in previous years or if that... those funds are drying up for women-owned businesses?"

Fritchey: "I believe that the report will be wide focused, ranging not only in financing opportunities but if there's any regulatory scream... screens in place that are acting as barriers rather than enhancements to women-owned businesses. We want to make an environment in Illinois that is friendly to and conducive to women-owned businesses, minority-owned businesses, as well as the traditional businesses that we've had in this state."

Meyer: "Well, I thank you for your responses. I certainly hope that by extending this that we will be able to provide these services to women who want to go into business into the future. However, I would just like to go on record as indicating that I think this Body should very closely monitor whether we're getting any initiatives suggested by this report or if it's just a mere ok... merely gathering facts and throwing them out there just to satisfy the requirements of this Act. And we'll look forward to working with this and you on the future on it."

Speaker Hannig: "Is there any further discussion? Then the Gentleman from Cook, Representative Fritchey, to close."

Fritchey: "Thank you to the previous speaker. Let me say that I can't make the previous reports available if you'd like

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to review those again, the number of cosponsors on this Bill and the discussions we've had. This is a great program. We're simply looking to extend the sunset date on this four more years. I request your support. Thank you."

Speaker Hannig: "The question is, 'Shall Senate Bill 2962 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2988."

Clerk Mahoney: "Senate Bill 2988, a Bill for an Act in relation to property. Third Reading of this Senate Bill."

Speaker Hannig: "Okay. Mr. Clerk, let's take that Bill out of the record and read Senate Bill 3014."

Clerk Mahoney: "Senate Bill 3014, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker and Members of the House. Senate Bill 3014 requires that the Illinois State Police report to the Governor and to the General Assembly on the extent of DNA backlog cases awaiting testing by the department and what measures are being taken to reduce that backlog and the cost thereof."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 3014. 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

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 3083?"

Clerk Mahoney: "Senate Bill 3083, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. This is a technical Bill that amends the Tobacco Products Manufacturers' Escrow Enforcement Act of last year. It really just makes a correction in one of the statutory references in the section that gives the Attorney General powers. As I said, it's really a merely Bill and I ask for your 'aye' support... your 'aye' vote."

Speaker Hannig: "The Lady from Cook has moved for passage of Senate Bill 3083. Is there any discussion? Then the question is... excuse me, the Gentleman from Vermilion, Representative Black."

Black: "Yeah, thank you very much, Mr. Speaker. The last merely Bill I voted for merely changed the word 'million' to 'billion'. So, I would like to know if the Sponsor would yield on this technical Bill?"

Speaker Hannig: "She indicates she will."

Black: "I'm just an old dumb downstater so I probably won't understand it anyway, but can you tell me just how technical is this technical Bill?"

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Hamos: "Yes, I'll be glad to do that, Sir. What this does is that in the section that really gives the Attorney General powers to enforce the Bill, the penalties and other remedies section, it made reference to a violation of subsection (c) of Section 15. Subsection (c) of Section 15, however, is really a Section... it's four lines, it says, 'The Attorney General shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand families to keep the directory in conformity with the requirements of this Act.' The penalty section was not intended to apply to this small subsection, it was instead intended to apply to subsection (e), and subsection (e) is, 'It shall be unlawful for any person to...' and then it gives a set of... section... what do I want to say, provisions that would... that would create the penalties under this Section, 'To affix a stamp to a package to sell, offer for sale, or possess for sale, or import for personal consumption.' That was the reference that this was intended."

Black: "Gee, I asked for a drink of water and you gave me the chemical analysis of water. In other words, if I may be so bold, this closes off... if I remember what we did last year, this closes off the ability of boutique, or what we're calling gray market manufacturers, to escape the settlement clause. Is that... would that be a fair statement?"

Hamos: "I think that's... that would be a fair statement, yes."

Black: "That's all I wanted to know. Then, in other words, there are a growing number of very small cigarette makers,

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call them boutiques, in my area we call them the gray market. They are not in... they were not, until last year, covered under the Settlement Act. So, right away they had an unfair advantage on selling their product. And the product is often strangely, well not strangely, it's marketed very brilliantly, I think, to teenagers and others who smoke. Some of these cigarettes are pink, some are blue, some are, you know, have little colors and stripes on them and they were not participants to the settlement, which I didn't think was fair. So, this makes sure that they are going to be covered under the settlement, you're amending the Act we did last year, and also clarifying the language about a potential refund, should the settlement ever get to that point, to those participants in the settlement. Correct?"

Hamos: "Well, that's what the underlying Bill did.. the underlying law. And this just makes reference to one statutory reference..."

Black: "Yes, well this just..."

Hamos: "...in that underlying law."

Black: "This just... this just closes a loophole that wasn't in last year's Bill about the enforcement. Right?"

Hamos: "Well, no, I don't think that's correct, Representative. If I understand what this is doing, this is an initiative of the Attorney General. The Section on penalties and other remedies was already in the law, but there was a small typographical error that made reference to subsection

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(c) and it should have made reference to subsection (e) for that Section to have meaning."

Black: "Good grief."

Hamos: "This is the smallest..."

Black: "Who's... who's..."

Hamos: "...Bill I've ever carried."

Black: "Who sponsored that Bill last year?"

Hamos: "I can't imagine. This is a very small Amendment to it."

Black: "That's what scares me. The smaller the Bill, I've learned,..."

Hamos: "I promise you."

Black: "...the larger the ramifications."

Hamos: "I promise you."

Black: "What... what lang... what does the language 'offering for sale in Illinois' mean in this highly technical Bill? Is this aimed at the Internet sales or non-nexus sales or..."

Hamos: "Well, again, I think this is intended to just correct what is unclear language. 'Offer'... before it said to 'sell, offer or possess for sale', so 'selling' is one concept, 'possess for sale' is another concept, and this clarified that 'offer for sale' is the third concept."

Black: "And this Bill is just a little more complicated than a technical cleanup. If you'll take a look at the 'offering for sale' Section, that's a pretty unique... pretty unique language. I'm not sure any... any other state that Illinois has that in the enforcement procedure of the National Settlement Act. Are you aware that any other state is



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using the language 'offering for sale' in their state as part of the enforcement mechanism?"

Hamos: "Representative Black, we are not passing the underlying law and I wasn't the Sponsor of the underlying law. I don't know all the aspects of the underlying law. This is really truly just a technical Bill that clarifies the underlying law."

Black: "No, I beg to differ with you. It's not just a technical law when you add new language. You're adding the language 'offering for sale' in the underlying Bill... in the Bill that you're sponsoring before us right now appears the language 'offering for sale' under the penalty for selling in Illinois. That was not in the original Bill."

Hamos: "Actually, Representative Black, the word 'offer' was in the original law and it was intended to modify... I mean, this is really just a cleanup, because before the word 'offer' was in there, but it previously said 'to sell, offer, or possess for sale in this state.' One could and should argue that previously 'offer' or 'possess' were modified by 'for sale'. This just clarifies that 'offer for sale, or possess for sale' was the true intent."

Black: "When you change the word 'offer' to 'offer for sale', I believe you're changing the intent of the original Bill. What would... what would an 'offer for sale' be that could trigger an enforcement mechanism? Could it be a newspaper ad put in there by an Indiana... well, not Indiana, their cigarette tax is not as high as ours, but close. Kentucky... would 'offer for sell' include a punishment provision for a

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retailer in Kentucky to sell cigarettes in Illinois, published in an Illinois newspaper?"

Hamos: "Representative Black, I... I am reluctant to give an answer to that and to establish legislative intent unwittingly, because actually I think this is truly just a technical Amendment to the underlying law which already included the words 'offer' and was modified by 'for sale' right next to it. I don't want to... I don't know truly what I would be changing or altering by establishing that kind of legislative intent."

Black: "Well, I... I think it is a significant change and I want to make sure of the penalty/punishment Section that this Bill modifies... that this language modifies. I don't smoke, so if I offer a pack of cigarettes that somebody gave me to somebody else, under the Bill passed last year, I'm not in any particular trouble. But if I offered for sale a carton of cigarettes because I don't smoke, would I... since I'm not a licensed retailer, would I be subject to a penalty if I suddenly offered for sale a carton of cigarettes vis-à-vis last year's Bill, if I just made an offer?"

Hamos: "Well, I... I'm sorry, Representative, I... think that just offering someone a cigarette, if a personal consumption, which of whether or not it's a tobacco product not included in the directory, just offering would not trigger the penalties under this Section, but it has to be offering for sale. So, if you're sitting in your living room and offering your friend a cigarette it's... does not trigger the penalties, I wouldn't think. But offering for sale is what

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triggers it, and that is not intended, let me say it again, to change the intent of this law from last year."

Black: "I would tend to agree with you but this whole Bill... Bill deals with the Uniform Deceptive Trade Practices Act. And I think if you use the word 'offer' and slash that out and put 'offer for sale' under the Deceptive Trade Practices Act, I... it seems to me that you're opening up a new classification that could be penalized under the Deceptive Trade Practices Act that wasn't fully covered just simply under the word 'offer'."

Hamos: "And again, Representative..."

Black: "Now, there has to be a reason why 'for sale' was added to this Bill. If that hadn't been added to the Bill you're absolutely right, it's just subsection (e), so forth and so on. But when you add the language 'for sale' then it becomes more than a technical Amendment, you're changing what was passed last year from the word 'offer' to 'offer for sale'. So, who... who are we after here? I mean, this just doesn't happen, you just don't put the words 'for sale' in a technical Amendment. All you do in a technical Amendment is change paragraph, references, chapters, Section numbers, et cetera. But when you add two words, to me that's not technical. You're changing the definition of the underlying Bill and I'd like to know why."

Hamos: "Let me again say that my... it is my belief that this was not intended to change the underlying intent, instead it was intended to clarify the underlying intent because under the previous law... the current law, as is, it always said

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'to sell, offer, or possess for sale in this state.'  
'Offer' without the words 'for sale' were modified after... I would think the 'possess for sale' was intended to... the 'for sale' after 'possess' was intended to apply to the word 'offer' but it wasn't clear that it did. So, it would have made no sense to have a Section that said 'to sell' and then 'offer for personal use, or possess for sale'. 'For sale' after the words 'possess' were intended to refer to 'offer'. This clarifies that, this does not change the underlying law."

Black: "Well, let me give you a scenario where I think it does. It didn't say 'for personal use', it just said 'offer'. Not 'offer for personal use' it said 'offer'. Now, if you read on line 3, page 5 of the actual Bill, you add the words 'for sale'. Now, if you take the 'for sale' out, I interpreted that last year as saying you could not give away cigarettes in the State of Illinois as a promotional... as a promotional item. In fact, I think that was even discussed. That you could not offer cigarettes as a promotional item in the State of Illinois. And I know you'll remember, as I do, they used to... you used to hand out little mini packages of cigarettes on almost every Chicago street corner. It was a marketing practice that went on for years. And I think that when you add the word 'for sale' it be... it now... and it already says 'sell' or 'possess for sale', it seems to me that now we're going back, that under the Deceptive Trade Practices Act, if I just offer to give you little mini packs of cigarettes or

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entire cartons as a promotional item, that's okay. I can't be... I cannot be prosecuted for that. If you follow me, the word 'offer' in the original Bill I thought made it very clear that I could not or a company could not use cigarettes as an inducement, a marketing device, a giveaway, a prize, a premium or whatever. Now when you add the word 'sell'... 'for sale' it's already covered in 'to sell' or 'possess for sale'. So, you've got all of your references in the Deceptive Practices Act, only refer to 'sale'. Are you sure you're not, by accident... I know your intent is not to allow somebody to give away cigarettes as a promotional item, that's certain, I know you better than that, I know it isn't your intent. But when we add 'for sale' that's already covered, I think you remove the one protection we have where you don't have to listen to radio shows, television shows or be accosted by people on the street corner. Here, have a carton of the new Camel. Here, have a carton of the new Lucky Strike. And, if you're the fifth caller, you get an entire case of the new slim Virginia Slims. Because you're not selling it."

Hamos: "Okay, I certainly understand what you're saying, Representative Black, that was not what I had understood was the intent of this. I had understood this to be a purely technical Amendment."

Black: "Could you have staff... what I'd like to make sure of before I vote on this is that this Bill in no way changes any underlying prohibition on the giveaway of cigarettes as a promotional item, a marketing tool, prize, you name it."

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The only fear I have is that... the only thing that is covered in this Amendment... this Bill that amends last year's Act, now deals with the sale. And I can understand that, I have no problem with the word 'sale'. But now I'm afraid we may be giving up our right to punish people who say 'I'm not selling them, I'm giving them away. I'm just offering them to people who want them.' In other words, I can build a market if I can give away or use as a premium, everybody who attends the Chicago White Sox game on June the 10th will get a free pack of God knows what."

Hamos: "Okay. Mr. Speaker, I would like to withdraw this from the record at this time and we will get some clarity on those questions. Thank you."

Black: "I would appreciate it. Thank you."

Speaker Hannig: "We'll take this Bill out of the record at the request of the Sponsor. Mr. Clerk, would you read Senate Bill 3091?"

Clerk Mahoney: "Senate Bill 3091, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3091 was brought to our attention by the regional superintendent of schools of Macon and Piatt County. And what it would do is it would allow alternative schools to apply for waivers for attendance and simply allows alternative schools to follow the same calendar as

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other schools in a school district. I know of no opposition and would request your support."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 3091. 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 3107."

Clerk Mahoney: "Senate Bill 3107, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

McCarthy: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 3107 amends the Illinois Consortium for Educational Opportunity Act and changes the title to Diversifying Higher Education Faculty and Illinois Program. This is an initiative of the Illinois Board of Higher Ed and was sponsored by Senator Del Valle in the Senate where it passed unanimously, and it passed out of our Higher Ed Committee unanimously as well. And I'd ask for your favorable support."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 3107. 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

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 3109?"

Clerk Mahoney: "Senate Bill 3109, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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

Bradley, R.: "Thank you, Mr. Speaker, Members of the House. Senate Bill 3109 amends the School Code to require the State Board of Education to, by rule, establish a system for the accurate tracking of transfer students. The purpose of this system is to enable more accurate reporting of graduation rates and prevent inflated graduation rates due to some districts' policies of considering a student who leaves school as having transferred, even if there is no evidence that the student transferred to another school."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 3109. And on that question, the Gentleman from DuPage, Representative Meyer."

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

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

Meyer: "Representative, you indicate by rule, under the requirement of setting up those rules, will that rule have to go back to JACAR for it's perusal before it's acceptable?"



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Bradley, R.: "Yes, it would."

Meyer: "You're certain it's going to have to go back to JACAR and it's just not going to be one of these rules that the State Board of Education is going to be able to do on their own and forget about what we intended them to do?"

Bradley, R.: "No, this is an important initiative and we're track it and make sure it's done right."

Meyer: "Thank you."

Speaker Hannig: "Any further discussion? Then Representative Bradley's recognized to close."

Bradley, R.: "Appreciate your support."

Speaker Hannig: "The question is, 'Shall Senate Bill 3109 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 3112."

Clerk Mahoney: "Senate Bill 3112, a Bill for an Act in relation to public health. Third Reading of this Senate Bill."

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

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 3112 creates the Safe Bottling Water Act. It requires that anyone who operates a water bottling plants or private water sources, as defined by the Bill, must be licensed by the Illinois Department of Public

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Health. If the water bottling facility is this state, the Department of Public Health will conduct an annual inspection. Out of state bottlers doing business in Illinois must register annually with the Department of Public Health. It establishes standards for bottled water consistent with the federal regulations and establishes a trust fund to handle this program. The bottled water industry in the last 10 years has grown exponentially and what we want to do with this legislation is to make sure that the water that is drunk by the residents of Illinois is consis... clean and consistent with the federal regulations and that the plants are inspected by the Department of Public Health. There are no known opposition and I would ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 3112. And on that question, the Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, I'm... I'm absoltoly shocked and I might add appalled. Are you telling me that the current bottled water industry may, in fact, fill that bottle with tap water and then sell it for three bucks?"

Osterman: "I'm not necessarily saying that, Representative. What I'm saying is that currently the Federal Government regulates and annually inspects... not annually, but every six to seven years bottled waterers are inspected, so

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there's a huge window by which these bottled water facilities are being inspected. We want to ensure that there's annual inspections. And because we don't know that because of the growth in industry, we're not sure who these bottlers are. We want to make sure that they are all licensed by the State of Illinois."

Black: "Under existing law... and I... I read somewhere and I won't quote it because I can't remember it, if you and I go into the bottled water business tomorrow and as long as we fill that bottle from an approved potable water source, such as the City of Springfield or the City of Chicago, that's fine. We're okay. We can sell it, we can call it whatever we want, but we fill it from a municipal source that is already inspected, certified, etcetera. And I think maybe it has to be on the label but I'm not even sure of that. But, in fact, many of the bottles of water that we buy for two or three dollars are, in fact, just filled from a tap in some community's water supply."

Osterman: "That may be true, and I'm not sure of specific instances of that, but there is a huge growth industry of bottled water. Look around, everyone's got a bottle of water. We want to prevent that. We want to make sure that if someone is bottling water, that they are registered by the state and that Public Health is going out and inspecting it on an annual basis. We think that... if situations like you're presenting, if Public Health is going out there, they're going to find those people that are 'opening the spigot', so to speak."

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Black: "Well, under existing law, the Food and Drug Administration will inspect any bottling plant that uses a non-potable water source. In other words, a mystic spring, an artesian well, those are inspected by the FDA. But many of the bottles say right on it 'bottled at a municipal source in downtown Astoria' or wherever."

Osterman: "My understanding is that the FDA inspects all bottled water facilities, but the issue is that they do it every six or seven years and we want to make sure that the Health Codes in the State of Illinois are adhered to. But I think because of the growth of the industry and people could be doing these fly-by-night, you know, bottled water facilities, we want to make sure that we, in the state, have a kind of closer grasp on those facilities. We can also then bring in the FDA to do further inspections on people that are outside selling to Illinois. If it's an Indiana facility across the border and they're selling to Illinois, we can then let them, you know, let them know that we should have that inspected."

Black: "How many states would impose a license fee on in-state bottled water companies as well as companies that come into the... selling their product from an out-of-state source?"

Osterman: "About half the country right now has licenses, we are going to try to join that half that is doing this. As far as the rest of the country goes, I would think that they were possibly looking at legislation like this as well. But half the country has states and license facilities, the other half of the country does not."

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Black: "And the fee would be for an in-state bottler, \$150?"

Osterman: "\$150, yes."

Black: "And that would be the same for an out-of-state bottler?"

Osterman: "Out-of-state bottlers have to simply register with the State of Illinois. They would not be charged the fee."

Black: "Whoa, why not? I mean, that doesn't make any sense. Are you sure about that?"

Osterman: "Actually, I stand corrected. I stand corrected on that. They would also have to be licensed by the state."

Black: "Okay, all right. Now that makes more sense because I can see in my area where they would immediately move to Indiana and then sell their product to Illinois if they didn't have to pay the fee. So, everybody's on the same playing ground?"

Osterman: "Yes."

Black: "Or the same... they're on the same level?"

Osterman: "Yes."

Black: "All right. Now, do you know... many places in the State House have a water dispenser. Do you know whether we buy that water in those two or three gallon jugs from a water..."

Osterman: "I would think that we do. I would think that we do. I'm not sure, but in my office in Chicago we had that and I think that a lot of government facilities sign contracts, they have that..."

Black: "...well, I... I know there's one back in the men's restroom that I've always been a little worried about and there's one down here. And I've never seen a company name on that

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bottle. Now, I've heard, but I can't verify, that those bottles are, in fact, filled in the basement from a hose, seriously, that's what I've heard, attached to a spigot, then they're put on a handcart and brought up here. And I asked somebody about that one day and they said, 'Well, on the third floor and above they've never changed out the old galvanized lead water pipes and they would prefer you not drink water from the tap.' It's always nice that they give us constructive notice on those things. I wonder if there's anyway we can find out if that's true."

Osterman: "I think we should possibly call on the Secretary of State's Police or the Comptroller to look at the contracts and see if that is, in fact, true and if... you know, if we're paying state dollars to go for bottled water that's coming from the basement, I think that there should be a full investigation of that."

Black: "Well, I would join you in that and I... and on the same plane, I think it would be just as egregious if we're paying a substantial amount of money for a company that's in the bottled water business to deliver... I don't know how many water coolers there are in the state campus, probably more than I'd like to know. And if we have a contract with any of the national firms, that would be interesting to know how much... how much money we're spending on that. But if they're... they're also... if they're just filled down in the basement, we ought to know that as well. Not that Springfield water isn't bad water, I'm not saying that at all. But I've always wondered... I think you're on the right

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track because... I know I had a... what do you call those things, constituent meetings, tow... town meetings, it's been so long I forgot, and I remember this came up. And it's my understanding that as long as you use an inspected and approved water source, you don't have to put much on the label. You can call it anything you want, you can sell it for however much the market will bear. But when you use a non-inspected, certified water source, such as from a well that isn't inspected frequently, an artesian spring, or god-forbid, out in the gutter doing a heavy rain, those people are often not inspected. So, what you're doing is saying that... make sure I understand this, the consumer will now have some reasonable expectation that the water he or she is paying a great deal of money for is from an inspected, reliable, as near as we can tell, safe source, right?"

Osterman: "Absolutely. And in the Bill it would define that Public Health would go in annually and inspect the... that there would be certain levels of quality of the water. They would ask for water samples of the bottled water as well as the source that it comes from so that... I don't know if there's a goldfish in there. So, they would check the water at these facilities as well. So, they would be doing those samples and make sure that they are consistent with the state and federal law for what the regulations are."

Black: "Representative Lyons just brought over one of those bottles, it's from the firm of Hinckley and Schmitz, excellent lawyers, as I recall, who go into the water

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business. That would be worth... you know, if you don't want to ask it, I will, if we have a contract with a private water source to fill various water coolers throughout the Capitol, I'd kind of like to know how much we're spending on that. I think the taxpayers might like to know that too. 'Cause if there's something inherently wrong with the water in this Capitol, I'd like to know that too."

Osterman: "Well, maybe that's causing some of the decisions that have been made lately around here. I would also be interested to see..."

Black: "There's something in the water, I never thought of that."

Osterman: "...if there's... well, it'd be curious to see if that contract changed and it was not Hinckley and Schmitz but somebody else."

Black: "Well, I... I think reform is working 'cause last year I thought it was Absopure, or was it Culligan? Or if we keep this up it could... my gosh, it could be Black/Osterman. Oh no, we can't have that contract because of the Ethics Law. Well, I think you're on the right track and I congratulate you. And I've always been amazed at how upset I get when I pay \$2 for a gallon of gas but I'll go to Wrigley Field and pay \$4 for a pint of water. It's amazing."

Speaker Hannig: "The Lady from Cook, Representative Flowers, on the Bill."

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

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



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Flowers: "Representative, I just have one question. Is there an expiration date for water and does water go bad?"

Osterman: "I don't know if it does and I don't think that there is an expiration date."

Flowers: "Well, there... well, there is a date on the bottle... there's a date on the bottle and I was wondering if this date is here because the water would eventually go bad because it's in the plastic container. Can you tell me?"

Osterman: "I don't know and I can find out, Representative, and get that information to you."

Flowers: "I would appreciate it 'cause I drink a lot of this water and I don't want it go bad. Okay. Thank you."

Speaker Hannig: "Representative Meyer."

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

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

Meyer: "Representative, I understood your response to a question that was asked by one of the previous speakers to be that out-of-state water bottlers would be licensed also?"

Osterman: "They would have to register, Representative, with the Department of Public Health."

Meyer: "So, it's a registration not an actual license. So, regardless of might we might think about the water, they can come in and sell it just by the mere fact they register?"

Osterman: "They could but, again, what I said previously is that if we found that there was bottled water coming in from somewhere else that was not up to our standards and

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someone filed a complaint, a constituent of yours, it would give us the ability... we could do this now, but we would be more in sync with calling the Department... the Federal... FDA and having them do those inspection."

Meyer: "How do we know what their... their standards are up to our standard unless we're able to go out and look at the plant?"

Osterman: "Well, the water standards are federal standards as far as cleanliness of water per bottle."

Meyer: "You're talking about the quality?"

Osterman: "Yes. But I mean, if someone filed a complaint if there was a grocery store or something like that and bottled water was coming in, we could... obviously Public Health would tip off the Department of ...the FDA and have them come in and do those inspections."

Meyer: "Well, where did the \$150 fee come from?"

Osterman: "That fee was put in to manage the inspections annually that would be there, any staff or anything else that would be needed to manage that program."

Meyer: "Would both the licensing fee of \$150 and the registration fee of \$150 go into this same, what's it called, the Safe Bottle Water Fund?"

Osterman: "Yes."

Meyer: "And if it's cal... how much does it cost to administer that inspection do you think?"

Osterman: "I'm not sure on what the annual cost they're expecting annually by that, but the Department of Public

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Health feels comfortable that fee would be able to manage that."

Meyer: "And that special fund would be sitting there only to be appropriated for the use of inspecting?"

Osterman: "Yes, just to manage that fund. There may be other.. I mean notifications that happen, but making sure that all the bottled water facilitates are in compliance with this law. Notifying them of the new laws, things like that."

Meyer: "Well, if we pass this and allow that fund to start to accumulate, we're not going to come back here next year and find that's it's part of the appropriation budget for the General Revenue Fund are we?"

Osterman: "I would hope not, but I don't know that there's going to be enough money in there to have someone go after it. But I... I would say no, absolutely not."

Meyer: "Is there any protection or is that just what you intend?"

Osterman: "That's my intent, but if the Governor or anyone else would try to go after that money I'm sure that I would try to reach out to him and discourage him as best I could. And I would hope the Department of Public Health would do the same thing."

Meyer: "Well, that's certainly a concern of many of us that we're not just creating a slush fund out there that is going to be used at some point to siphon off in the General Revenue Fund. Thank you for your responses."

Speaker Hannig: "Any further discussion? Then Representative Osterman to close."

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Osterman: "Thank you, Ladies and Gentlemen. Again, the intent of this legislation is to make sure that the bottled water facilities in our state are licensed and that they are producing clean water for consumption by Illinois residents. Likewise, we want to make sure that people doing business in the state are registered with the Department of Public Health. And I ask for an 'aye' vote."

Speaker Hannig: "And the question is, 'Shall Senate Bill 3112 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 71 voting 'yes', 43 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 2395?"

Clerk Mahoney: "Senate Bill 2395 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, Mr. Clerk, of Senate Bill 2607?"

Clerk Mahoney: "Senate Bill 2607 is on the Order of Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. Okay, the Chair's prepared to adjourn for our 3:30 committee hearings. Are there any announcements? Then Representative Turner now moves that, allowing perfunctory time for the Clerk, that the House

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stand adjourned until tomorrow, Wednesday, May 12<sup>th</sup>, at the hour of 12 noon. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 7299, introduced by Representative Steve Davis, a Bill for an Act concerning medical malpractice. Senate... Introduction and Reading of Senate Bills-First Reading. Senate Bill 3334, offered by Representative Madigan, a Bill for an Act concerning appropriations. Committee Reports. 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 Tuesday, May 11, 2004, reported the same back with the following recommendations: 'approved for floor consideration' House Bill 5370, referred to Second Reading, House Bill 6415, referred to Second Reading, House Joint Resolution 58, referred to the Order of Resolutions. House Resolution 474, recommends 'be adopted'. House Resolution 435, recommend 'be adopted'. House Resolution 478, recommends 'be adopted'. House Resolution 487, recommends 'be adopted'. House Resolution 782, recommends 'be adopted'. House Resolution 806, recommends 'be adopted'. House Resolution 810, recommends 'be adopted'. House Resolution 833, recommends 'be adopted'. And House... Senate Joint Resolution 24, recommends 'be adopted'. Senate Bill 2148, referred to the Floor. Senate Bill 2165, recommends 'be adopted'. Senate Bill 2377, recommends... Amendment #1,

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recommends 'be adopted'. Senate Bill 2424, Amendment #1,  
recommends 'be adopted'. Senate Bill 2548, Amendment #1,  
recommends 'be adopted'. Senate Bill 3013, Amendment #2,  
recommends 'be adopted'. Senate Bill 827, approved for  
consideration. Senate Bill 984, approved for  
consideration, Second Reading. Senate Bill 1906, approved  
for Second Reading. There being no further business, the  
House Perfunctory Session will stand adjourned."