

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

127th Legislative Day

5/13/2004

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, their cell phones and their pagers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We're very pleased today that we shall be led in prayer by Bishop George Lucas of the Dioceses of Springfield in Springfield, Illinois. Bishop Lucas is the guest of Representative Grunloh."

Bishop Lucas: "Let us pray. Almighty and eternal God, You have revealed Your glory to all nations and peoples. God of power and might, through Your authority is rightly administered, laws are enacted and judgment decreed. We acknowledge Your sovereignty over all of our actions and plans. Let the light of Your divine wisdom direct the deliberations of this Body and shine forth in all the proceedings and laws framed for our rule and government. May all that is spoken and done here promote the common good, protect the weak and those who carry heavy burdens and bring us the blessing of liberty and equality. May the Members of this House be enabled by Your powerful protection to discharge their duties with honesty and ability. We likewise commend to Your mercy all the citizens of the State of Illinois, that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we live in harmony and enjoy that peace that the world cannot give. And after receiving the blessings of this life, be admitted to those blessings that are

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

127th Legislative Day

5/13/2004

eternal. We pray to You, who are God, living and true, forever and ever. Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

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

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

Clerk Mahoney: "Committee Reports. Representative Giles, Chairperson from the Committee on Elementary and Secondary Education, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: 'do pass as amended Standard Debate' Senate Bill 1400. Representative McGuire, Chairperson from the Committee on Aging, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be

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

127th Legislative Day

5/13/2004

adopted' Floor Amendment #2 to House Bill 6354, House Resolution 674 and House Resolution 680. Representative Fritchey, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #2 to House Bill 4895, Floor Amendment #1 to House Bill 5385, House Resolution 739 and House Resolution 863. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' Amendment #1 to Senate Bill 2382 and House Resolution 418. Representative Delgado, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 581, House Joint Resolution 70, House Joint Resolution 79. Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 628. Representative Daniels, Chairperson from the Committee on Developmental Disabilities & Mental Illness, to which the

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

127th Legislative Day

5/13/2004

following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 413. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 577. Representative Boland, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 79. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 31, Senate Bill 35, Senate Bill 833, Senate Bill 2205, Senate Bill 2206, Senate Bill 2207 and Senate Bill 2924. Representative Feigenholtz, Chairperson from the Committee on Appropriations - Human Services, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 7204, House Bill 7205, House Bill 7206 and House Bill 7210; 'do pass as amended Short Debate' House Bill 7209. Representative Slone, Chairperson from the Committee on

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

127th Legislative Day

5/13/2004

Appropriations - Higher Education, to which the following measure/s was/were referred, action taken on Wednesday, May 12, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 7191. Representative Hamos, Chairperson from the Committee on Housing & Urban Development, to which the following measure/s was/were referred, action taken on Thursday, May 13, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 387; recommends 'be adopted as amended' House Resolution 411 and House Resolution 412. Representative McKeon, Chairperson from the Committee on Labor, to which the following measure/s was/were referred, action taken on Thursday, May 13, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 775. Representative Howard, Chairperson from the Committee on Computer Technology, to which the following measure/s was/were referred, action taken on Thursday, May 13, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Joint Resolution 60. Representative Reitz, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on Thursday, May 13, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Joint Resolution 54. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action

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

127th Legislative Day

5/13/2004

taken on Thursday, May 13, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 595, House Resolution 649, House Resolution 701, House Resolution 704, House Resolution 830, House Joint Resolution 23 and House Joint Resolution 73."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. Rise to a point of personal privilege."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you. I rise to a point of personal privilege."

Speaker Madigan: "State your point."

Moffitt: "Thank you, Mr. Speaker. Just a reminder, and I know it's a problem fitting in schedules, but at 11:00 across the street the medal of honor ceremony and Fallen Firefighters Ceremony will be held. Any Legislators that feel they can make it over there will be up front and be introduced at least as a group. So, I'm gonna go right over there and it'd be a way to show support for the fire services, those you that feel that you can break away for a little bit, and then we'll be back over here. And hopefully the fire departments will have time to visit with you. Thank you."

Speaker Madigan: "Mr. Turner. Arthur Turner, did you wish to call Senate Bill 948? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 948, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Turner."

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

127th Legislative Day

5/13/2004

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Senate Bill 948 is a Bill which deals with trying to make life a little easier for those members who have been incarcerated, who may have made a wrong turn in life, but it allows them the ability to get back out and be citizens, productive citizens. In this case, this Senate Bill 948 is trailer Bill to House Bill 569, which was passed out under Public Act 93-0207. And basically, what it does is it expands the areas of... the areas of professional services that are currently regulated by the Department of Regulation. And it includes, now under the new Bill, it would allow those people to be involved in the profession of... those who want to obtain a license in engineering, they would be able to qualify as well as those who would apply for their electrol... electrologist license would be able to now apply under this legislation. And I move for the adoption of Senate Bill 948."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question... on this question, there are 59 people voting 'yes', 57 people voting 'no'. The Gentleman requests that the Bill be put on the Order of Postponed Consideration. The Bill shall be put on the... Mr. Turner."

Turner: "I'd like to have the Bill placed on the Order of Postponed Consideration."

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

127th Legislative Day

5/13/2004

Speaker Madigan: "The Bill shall be put on the Order of Postponed Consideration. Representative Nekritz, did you wish to call House Bill 2148? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2148, a Bill for an Act concerning tobacco. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 2148 creates the Prevention of Cigarette Sales to Minors Act. Now, this legislation addresses the growing concern over teenagers being able to purchase cigarettes over the internet and have them delivered at home. It does that by prohibiting individuals from shipping cigarettes unless they are a licensed distributor or delivering cigarettes to a licensed distributor. In addition, if a contract carrier is making shipments of cigarettes to a person who is not a distributor they must obtain official proof of age and signed documentation verifying the receiver's age and understanding of the state regulations regarding cigarette sales to minors before completing the delivery. This legislation will not prevent individuals from transporting five cartons or fewer cigarettes to another person in the state, so we've created... carved out an exception for... for that kind of thing. And I ask for your support."

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

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

Speaker Madigan: "State your inquiry."



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

127th Legislative Day

5/13/2004

Black: "Thank you. Is Floor Amendment #1 adopted and now part of the Bill?"

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Floor Amendment #1 has been adopted to Senate Bill 2148."

Black: "All right."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I just... I know... and I know you've talked to me about this and I've forgotten. And I do appreciate the fact that you have talked with us about it, but I can't remember our discussion. The Floor Amendment #1 increases the number of cigarettes that a person other than a common carrier may deliver to any person from 1 carton, which is 2 hundred cigarettes, to 5 cartons, which is 1 thousand cigarettes."

Nekritz: "Right."

Black: "Was there an underlying reason as to why we're increasing the number of cigarettes that can be delivered?"

Nekritz: "Well, I was... I... there had been some concerns raised by some of the... some of the pe... groups interested in the Bill, and I'm not sure which groups. But the concern was that if my uncle goes and buys some cigarettes and then... and delivers them to some relatives or some friends, that somehow we might be criminalizing that activity. So, we were just trying to create a threshold by which we wouldn't criminalize somebody for doing that kind of thing."

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

127th Legislative Day

5/13/2004

Black: "Representative, refresh my memory, what protects the common carrier from liability under this law? Say FedEx or UPS, which is now, under the law, acting as a retailer, delivers cigarettes to a home over this number, fails to ask for an ID because... you know, you've seen these people at your house, they're always in a hurry, they drop this thing off, they get a signature required and they run back in the truck and off they go. What liability may be... we may be exposing UPS or FedEx or any of the common carriers under such legislation?"

Nekritz: "That contract carrier, to my understanding, now has an obligation to verify the age of the recipient if they... if they are delivering cigarettes to a home."

Black: "What... in a case... and this younger generation, I know you know this, as well as I, very computer savvy. So, what if they order from an internet site in their parents name and the driver knows that house and it's made out to Mr. John Smith, who he knows lives there and is well over the age of 21? What happens in that case where the child, the minor, has used his mother or father's name, gets the delivery, nobody signs for it because the driver just assumes or knows that that person is not a minor? Then... then what happens?"

Nekritz: "It is up to the delivery person to confirm the age of the recipient. So, if... if the parent isn't home to receive those cigarettes and there's a 16-year-old at the door, the driver must confirm the a... under this Act, the driver must confirm the age."

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

127th Legislative Day

5/13/2004

Black: "Okay. Does the driver have to ask the age of the person at the door and get some kind of proof?"

Nekritz: "Get some sort of identification, yes."

Black: "Don't ship any of these to my home because if that driver asks my wife her age, that driver's gonna have more to worry about than liability."

Nekritz: "We can consider an exception for your home."

Black: "I would hope so. Is that... is that the way we do it under interstate shipments of wine?"

Nekritz: "Yeah, it is... it is... it mirrors the language that we use for alcohol deliveries to home, yes."

Black: "Okay. Now, my last question, and I know you and I talked about it, and forgive me, I just don't remember like I used to. If... if a person travels to Arizona and North Dakota, excuse me, and they go a tribal smoke shop where no taxes are collected on those cigarettes on tribal land and they bring them back, say they bring back 10 cases, and they give them to their friends because they know they smoke. That is not addressed in this Bill, right?"

Nekritz: "That is not addressed in this Bill."

Black: "Okay. Fine. Thank you very much."

Nekritz: "Thank you."

Speaker Madigan: "Mr. Meyer."

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

Speaker Madigan: "The Sponsor yields."

Meyer: "Representative, is this the same Bill that... basically the same Bill that passed in the Senate?"

Nekritz: "I'm sorry, Representative. Is this...?"

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

127th Legislative Day

5/13/2004

Meyer: "Is this basically the same Bill that passed the Senate?"

Nekritz: "Yes, it is. Yes, it is. We made one minor adjustment and that was the... to take the exception for someone delivering cigarettes from 2 hundred to 1 thousand, so that we didn't criminalize anybody that was delivering cigarettes to their relatives or that... a small amount of cigarettes to their relatives."

Meyer: "Who is opposed to this Bill?"

Nekritz: "No one that I know of."

Meyer: "Can you offer any explanation, shed any light on the Senate vote? It seems that it was not a overwhelming vote of passage."

Nekritz: "No, I'm sorry, Representative, I can't. I... I have spoken with the Senate Sponsor numerous times, but he did not indicate to me why there might have been less than unanimous support in the Senate."

Meyer: "All right. I thank you for that... that response."

Speaker Madigan: "Question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 3208, Mr. Turner. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3208, a Bill for an Act concerning commissions. Third Reading of this House Bill."

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

127th Legislative Day

5/13/2004

Turner: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Senate Bill 3208 creates the African American Family Commission. This is a commission that has been in existence since 1994. It was established under the governorship of Governor Edgar. Responsibility of the commission is to work with the various state agencies and state departments, in particular, DCFS, DCEO, Corrections, Humans Services and others on the activities that impact the African American children and their families. And I move for the passage of Senate Bill 3208."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. There being 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Turner in the Chair."

Speaker Turner: "On the Order of Third Readings, page 12 of the Calendar, we have Senate Bill 2165. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2165, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Williamson, Representative Bradley."

Bradley: "Thank you, Mr. Speaker, Members of the committee. This is the Senate version of the affirmative defense Bill from the Wilmette case. As the House will recall, House

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

127th Legislative Day

5/13/2004

Bill 4075, which I was the Sponsor and many of you cosponsored, flew out of here with 86 votes. The Senate Bill 2165 received 38 votes in the Senate. It's essentially the same thing. There is one difference, as a result of the subcommittee and Committee in the Judiciary II-Criminal over concerns about the scope of this Bill. We did agree to add a limitation on the Bill to be applied to the home, the abode, the residence and the fixed place of business. So, I think this is a very important Bill. It's commonsense. And I would urge a 'yes' vote as you did the last time. Thank you."

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

Osterman: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Osterman: "Representative, the Amendment only then includes that this Bill would be covered at someone's home or place of business was entered and someone was defending themselves."

Bradley: "It would also include the property, the residential property."

Osterman: "Residential property?"

Bradley: "Yeah."

Osterman: "Okay. I appreciate that Amendment, I think it's a lot more specific. I wanna point out the original Bill that did pass at 86 votes was frequently referred to as the 'Wilmette Bill'. Last week in Chicago a 21-year-old man was shot and killed outside of Wrigley Field and the

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

127th Legislative Day

5/13/2004

offender has been charged with homicide and a host of other things, but under the original intent... or the original Bill that you had he could've used this as an affirmative defense. So, I think the way you confined it more is an improvement on it."

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

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

Speaker Turner: "He indicates he will."

Meyer: "Representative, there was an Amendment put on this Bill, was there not?"

Bradley: "That's correct."

Meyer: "Could you tell us what that Amendment did again, just to refresh our memory?"

Bradley: "There were concerns in the committee and in the subcommittee over the scope of the Bill. And what it does is this limits the self-defense for cases involving the home, the abode and place of business."

Meyer: "Speaker, it's very noisy in here, could we have some order? I'm sorry, I couldn't hear you at all."

Bradley: "It... it limits the Bill in terms of providing the self-defense in cases surrounding the home, the residence, the abode and the place of business."

Meyer: "How... how is that limited?"

Bradley: "Well, there were concerns, and I argued originally that I didn't feel that that was necessary because, practically speaking, that's the context whereby this would apply. However, there were concerns within the committee

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

127th Legislative Day

5/13/2004

and subcommittee that that should be spelled out in the language of the Bill. And so, in order to continue to move the Bill and move it forward, I agreed to that and placed that in the Bill."

Meyer: "Could you, again, repeat your last couple sentences? Your voice trailed off, I couldn't hear?"

Bradley: "Sure. Over concerns that were expressed in the subcommittee and committee I agreed to the Amendment and moved the Bill out of those committees to the floor."

Meyer: "The Bill that... again, the Bill that passed from here over to the Senate, how does that differ with this one?"

Bradley: "The only difference, essentially, is the Amendment that was added in the committee and subcommittee. That's the major difference. Which, practically speaking, probably isn't a major difference."

Meyer: "If we pass this and it goes back over to the Senate, is there an agreement that this is gonna be passed over there and sent to the Governor?"

Bradley: "I... I intend for it to go back to the Senate and I am hopeful that it would concurred with over there and then moved on to the Governor."

Meyer: "What law enforcement agents are in favor of this... agencies are in favor of this Bill?"

Bradley: "There's none indicated on this... on the analysis. I'm not personally aware of any."

Meyer: "I had heard that... I understood the Sheriffs' Association was in favor of it and others were neutral. I was wondering why that difference was?"



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

127th Legislative Day

5/13/2004

Bradley: "I have no idea, Representative."

Meyer: "Well, I thank you for your comments on the Bill and I encourage people to vote 'yes' on it."

Bradley: "Thank you."

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

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

Bradley: "Yes."

Lang: "Mr. Speaker. Mr. Speaker. Well, let's assume the Sponsor will yield."

Speaker Turner: "He indicates he will."

Lang: "Thank you. It's a little noisy in here, Mr. Speaker. You couldn't even hear me talking to you. Can we..."

Speaker Turner: "Absolutely correct."

Lang: "Thank you. I just wanna clarify something, Representative. And so this is very similar to the Bill we voted out of here previously, correct?"

Bradley: "What is 'yes'?"

Lang: "And there is an Amendment on this, correct?"

Bradley: "What is 'yes'?"

Lang: "That's good. I like that. And the Amendment, as I understand it, is more limiting. Is that correct?"

Bradley: "It's a limiting Amendment, yes."

Lang: "It limits the affirmative defense?"

Bradley: "I felt that... and we discussed this before, Representative... Leader. I felt that under the original Bill that this language was not necessary. But over concerns expressed in the committee and subcommittee, I

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

127th Legislative Day

5/13/2004

agreed to the language because, practically speaking, this is the context whereby this affirmative defense would apply."

Lang: "Right. So, I guess the point I'm trying to get at is this is more limiting. So, anyone that voted for the first Bill that passed the House could certainly vote for this Bill."

Bradley: "Certainly."

Lang: "And you might have a few more converts because you've limited the affirmative defense to very specific situations."

Bradley: "Rather than use the term 'limit', I would like to say that we addressed concerns that certain people had over the scope of the Bill."

Lang: "Right."

Bradley: "Which I felt were implicit in it, but we've made them explicit."

Lang: "Right. So, you would recommend that those who voted for the first Bill should vote for this?"

Bradley: "Absolutely."

Lang: "And everyone else should reconsider their position. Is that right?"

Bradley: "Well said."

Lang: "That's what I thought. Thank you, Mr. Speaker."

Bradley: "Thank you. Thank you."

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

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

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

127th Legislative Day

5/13/2004

Speaker Turner: "He indicates he will."

Delgado: "Representative, will you please give me the definition for legislative intent on the 'abode'? You have an Amendment on this particular piece of legislation that includes using an affirmative defense and attaching the abode, which is the home. Will you tell... define the 'abode' for me, please?"

Bradley: "Yes. The definition, as we discussed, chairman, both in committee, subcommittee and also outside of those, is the language which was taken directly from the Criminal Code. And what we discussed, it was our understanding is... it would include basically the home and the area around the home on the private property, but would not include private right of ways... public... would not include public areas."

Delgado: "That's correct. And now when you... please clarify for me the 'place of business', as it's defined in the Amendment."

Bradley: "It's... it's simply defined the same way as it is under the Criminal Code under the deadly weapons statute."

Delgado: "Thank you. To the Bill, Mr. Speaker. This is a very important piece of legislation, Ladies and Gentlemen. And I would think that it would be very important to give the Sponsor the respect of your attention to understand that when we talk about having someone invade your home, someone who is gonna come in and hurt your loved ones or threaten to put you in a position that will make you feel that you have to protect the life and limb of your family, regardless of the setting in that particular Home Rule,

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

127th Legislative Day

5/13/2004

that you are ultimately the king of your castle or queen of your castle. And in this case, I wanna commend the Representative in accepting Amendments that gave more specific... specificity to this particular piece of legislation, keeping it strictly to the home and your place of business. With that, I just wanna say, thank you for working with us, Representative Bradley, and working with this Chair."

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

Rose: "Question of the Sponsor, Mr. Speaker."

Speaker Turner: "He indicates he will."

Rose: "Mr. Bradley."

Bradley: "Yes?"

Rose: "Could you just briefly redefine... we got for the legislative record. You had answered the question earlier about the definition of 'abode'. I'm not sure that the record's gonna be clear in a transcript form. Would you just go over that one again, your definition of 'abode'?"

Bradley: "Sure. It's the home and the private residence, including the yard and the area around the home."

Rose: "Okay."

Bradley: "But not public right of way, like the sidewalk."

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

Speaker Turner: "To the Bill."

Rose: "Ladies and Gentlemen, Representative Bradley's done an outstanding job of bringing this forward. He's worked with those who've had concerns on an Amendment. He's addressed

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

127th Legislative Day

5/13/2004

those concerns. One of the most fundamental rights that citizens have is the right to defend themselves and their family and their homes. And if this had been criminal court, the right of self-defense is inviolate, it's there, that right would've been available. But because this was a municipal ordinance violation in Wilmette, it was not there. And all we're trying to do is bring the right of self-defense to municipal court, to ordinance violations, just like we all enjoy, no matter where you live in this state, in this nation, the right of self-defense that you would enjoy in criminal court. This is an excellent Bill. I commend the Sponsor and also our committee chairman for working together to get this Amendment worked out. And I'd urge its passage. Thank you."

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

Mathias: "Thank you, Mr. Speaker. I know that the previous Bill... we had a discussion on the issue of Home Rule preemption, and I just wanna make sure that our discussions on the previous Bill apply to this Bill. Does this Bill preempt Home Rule communities?"

Bradley: "The parliamentarian has ruled, for the purpose of voting requirements, that the 71 votes is not required. Obviously, this is a statewide Bill, which would be applicable to every community within the state, including Home Rule communities."

Mathias: "Well, he... he ruled that way on the previous Bill. I would like if the parliamentarian could make a ruling on

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

127th Legislative Day

5/13/2004

this Bill, whether this Bill preempts Home Rule communities."

Parliamentarian Uhe: "Representative Mathias, in response to your question, on behalf of the Speaker, Senate Bill 2165 does not preempt Home Rule powers and therefore will require 60 votes to pass."

Mathias: "Thank you, Mr. Speaker. And one last question. Am I correct in saying that only Home Rule communities can have this type of ordinance?"

Bradley: "Are you talking about the..."

Mathias: "The a..."

Bradley: "...ordinance... the affirmative defense that we have proposed or the underlying ordinance?"

Mathias: "The underlying ordinance that you are proposing the self-defense issue be applicable to."

Bradley: "Well, this would apply to all communities within the state, but obviously it would come up in cases where there were... there were local ordinances."

Mathias: "Do you know, to your knowledge, are there any non-Home Rule communities that have ordinances that you're trying to affect?"

Bradley: "I'm not aware of any. You may be, Representative, I'm not aware of any."

Mathias: "Okay. Thank you. Thank you, Mr. Speaker."

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

Hamos: "Thank you, Speaker, Ladies and Gentlemen. To the Bill. I reluctantly rise, again, to oppose this Bill. This came

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

127th Legislative Day

5/13/2004

about, I believe, as a result of an incident in one of my... in my district in one of my communities in Wilmette. And at the time that the original Bill was called I stood and argued several points. This Bill is admittedly better. However, most fundamentally, it does take away the right of municipalities, even non-Home Rule municipalities to regulate their own destinies and to make their own decisions about their public health issues. This takes away the right of municipalities, for example, the police to go into... when called on a domestic violence case, to go into those homes and if they see an illegal gun that they have outlawed in their municipality, maybe even being used in a domestic violence case, to confiscate that. That is the point that I made earlier, a point that the Wilmette Police had brought to me. So, this... while this is better, it still invites people to be lawbreakers in those municipalities that have made their decisions based on their rights to do so. Now, we are now at a very important and interesting time when the Federal Government may decide not to continue the ban on assault weapons that they have had for the last 10 years. In fact, municipalities may chose to ban munic... assault weapons in their communities. This is a Bill that would undercut their right to do so. And for that reason I urge a 'no' vote."

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

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

Speaker Turner: "He indicates he will."

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

127th Legislative Day

5/13/2004

Fritchey: "Representative, I'm just trying to echo something that the Gentleman from Buffalo Grove had discussed previously, and this is the same issue that you and I discussed in debate on this Bill the first time around. And I'm not trying to walk you down a path, I wanna get to a... a further... get to this issue that was raised before. And I've discussed it with your staff as well in the past. The Bill purports to provide an affirmative defense to an ordinance that could only be enacted by a Home Rule community. But at the same time, we have a ruling from the parliamentarian and a reading of the legislation that the legislation does not preempt Home Rule. So, what I'm seeing here is the world of possibilities on one hand where the Bill applies on the other hand and there's no intersession between the two. And I'm not saying this in a condescending matter whatsoever. I'm... I'm truly trying to understand, is there any envisioned scenario where there's an... a real world applicability of this statute?"

Bradley: "This law applies to Home Rule communities and it applies to all the communities in the State of Illinois."

Fritchey: "With all due respect, I think we just got a ruling that the law do... would not apply to Home Rule communities."

Bradley: "I don't think that's the implication of the ruling by the Chair. The implication of the ruling by the Chair is it does not require 71 votes under the Constitution. This does not affect the ability of the individual communities or the Home Rule communities to enact local gun ordinances. They're still in effect. It doesn't preempt that. It



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

127th Legislative Day

5/13/2004

simply provides an affirmative defense, which will be the law of the state. Now, whether or not the Home Rule community can then go in and preempt the... the affirmative defense with another ordinance is a different matter. But it's apples and oranges."

Fritchey: "Without getting into a parsing of words, the interpretation and the decision of the parliamentarian that the Bill does not require 71 votes... now mind you, I believe this Bill is gonna get in excess of 71 votes. But the interpretation that it does not require 71 votes is an interpretation that the Bill does not preempt Home Rule."

Bradley: "You and I have a disagreement over the implication of the interpretation of the parliamentarian."

Fritchey: "Okay. Without belaboring this, have you discussed this with the Senate Sponsor as far as the proposed Amendment language?"

Bradley: "The... the Sponsors of the legislation have discussed it with the Senate Sponsor. I haven't spoken myself."

Fritchey: "Has the Senate Sponsor agreed to move the Bill with this amended language?"

Bradley: "John, it's my understanding that we're gonna try to get it on the Governor's desk, but I can't tell you definitively one way or another."

Fritchey: "And I'm not... again, this is just... I'm not trying to put you on the spot, John, I'm just trying to understand where this is procedurally."

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

127th Legislative Day

5/13/2004

Bradley: "I don't wanna speak for anyone else, but it's my understanding we send it to the Senate and then hopefully it gets on the Governor's desk."

Fritchey: "I appreciate the good-faith effort to answer the questions. Thanks."

Bradley: "Thank you."

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

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

Speaker Turner: "He indicates he will."

Davis, W.: "Representative, I was looking at the analysis on the computer and there are a lot of groups that are opposed to this Bill. Is there... I assume their opposition came when you introduced the original Bill, subsequently you've added an Amendment. Since your Amendment, are these groups... same groups still opposed to this Bill?"

Bradley: "Representative Davis, it's my understanding they are. But I'm not sure they're... it's as strong an opposition. But there is opposition, yes."

Davis, W.: "Okay. Even with your Amendment they're still opposed to the Bill?"

Bradley: "That's my understanding, yes."

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

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

Black: "Thank you very much, Mr. Speaker. To the Bill. Thank you. Ladies and Gentlemen of the House, I rise in support of my friend and colleague on the other side of the aisle

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

127th Legislative Day

5/13/2004

as he attempts to pass this Bill. I commend him, as others have already done, for his Amendment to the Bill that makes it, I think, crystal clear how this... how the use of a firearm could be used strictly in self-defense, strictly on or in the property owned by the individual, giving that individual an affirmative defense against a community's law that says he or she should not have had the weapon in the first place. I know that many of you would like to phrase this argument in simplistic black or white, no grey, issue. You can't do that. For those of you old enough to remember, remember how Governor Dukakis reacted to a question at a press conference when he was running for president and he was anti-death penalty? And they said, 'Governor, what would you do, what would your position be on somebody who broke into your house and raped and murdered your wife and your daughter, would you then favor the death penalty?' And he hummed and he hawed and he tried to... tried to take the position that somehow this could all be looked at unemotionally. You can't look at this issue unemotionally the way the legislation is now drafted. If somebody has broken into your home and you own a weapon and you use it to defend yourself or your family, do you then really want that individual to be tried in a municipal court on an illegal possession charge? I don't think you would. I can just tell you that if somebody breaks into my house and my three-year-old granddaughter is living in that house or staying at that house that night, I would do anything required to protect that three-year-old

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

127th Legislative Day

5/13/2004

child. Anything. If I had a gun, I'd use it. If I had a baseball bat, I'd use it. If I had a golf club, I'd use it. If I could bite the person to death, I'd bite 'em to death. This is not an unemotional issue. This deals with somebody coming into my home, threatening my family or my grandchildren. And I'll guarantee you, I would use anything at my disposal to save and protect that grandbaby. So, don't try and make it like it isn't an emotional issue, it is. And for those of you who vote 'no', I'll respect that vote. But God help you if somebody breaks in your house and threatens your children, your spouse, or your grandchildren and you sit there and say, 'I've called 911, you'd better leave.' No thank you. I will protect my family. I will protect my grandchildren at any means at my disposal. And I, therefore, should not be subject to some silly municipal ordinance after I have had to take extreme action to protect the life of my family or my precious grandchildren. It's a good Bill. The Amendment makes it even better. I stand in strong support of the Bill."

Speaker Turner: "Representative Bradley, do you wanna close or...?"

Bradley: "Amen."

Speaker Turner: "Representative Bradley to close."

Bradley: "I wanna thank Representative Black for his comments. I also wanna... to thank the Chairman Delgado, the subcommittee and the committee for their efforts on this Bill and working with me in order to move this Bill forward. I also wanna thank my cousin, Rich Bradley, for

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

127th Legislative Day

5/13/2004

his efforts on this as well. It's a commonsense Bill. It's a good Bill. I appreciate the support that the first Bill got. I hope that this Bill will get even more support. I think it's an important piece of legislation to send to the Governor. And I'd ask for an 'aye' vote. Thank you."

Speaker Turner: "The question is, 'Shall Senate Bill 2165 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 90 voting 'aye', 25 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Delgado, for what reason do you rise?"

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

Speaker Turner: "State your point."

Delgado: "I'd like the Gentle... Members of the House to please welcome from the Commonwealth of Puerto Rico, the Puerto Rico Federal Affairs Administration, the Regional Director for the Midwest Regional Office, Mrs. Maddi Elga Amill, who's up in the balcony here with us in our gallery. Our offices are located 30 North LaSalle Street, Suite 2330. And as you know, Puerto Rico is a commonwealth to the United States and U.S. citizens since 1917. Welcome."

Speaker Turner: "Welcome to Springfield. On page 13 of the Calendar we have Senate Bill-Third Reading, Senate Bill

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

127th Legislative Day

5/13/2004

2252. Read the Bill, Mr. Clerk. Out of the record. The Gentleman from Cook, Representative Delgado, for what reason do you rise? I'm sorry. Representative Acevedo."

Acevedo: "I know sometimes we all look a like, Speaker."

Speaker Turner: "Well, both those names end in 'o'..."

Acevedo: "I rise on a point of..."

Speaker Turner: "...and there's a 'd' before..."

Acevedo: "I rise on a point of personal privilege."

Speaker Turner: "State your point."

Acevedo: "At this time I'd like to wish my seatmate, Representative Susana Mendoza, a happy birthday."

Speaker Turner: "Happy birthday to Representative Mendoza. On page 13 in the Calendar we have Senate Bill 2290. Out of the record. We have Senate Bill 2367. Representative Coulson. Out of the record. We have Senate Bill 2375. Representative Osterman. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2375, a Bill for an Act concerning procurement. Third Reading of this Senate Bill."

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

Osterman: "Mr. Speaker, I'd like to place that Bill on the Order of Second Reading for purpose of an Amendment."

Speaker Turner: "The Gentleman asks leave to bring the Bill back to the Calendar on Second Reading. All those in favor say 'aye'. Leave is granted. On the Order of Third Readings we have Senate Bill 2395. Representative Eddy, for what reason do you rise? Eddy, for what reason do you rise? Read the Bill, Mr..."

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

127th Legislative Day

5/13/2004

Eddy: "Mr. Speaker, I believe this has been re... put to Second Reading for the purposes of an Amendment that's being held in Rules right now."

Speaker Turner: "You wanna state that again?"

Eddy: "I think this is on Second Reading now, being held for an Amendment."

Speaker Turner: "Out of the record. It's on Third, do you want it brought back to Second Reading?"

Eddy: "Yes."

Speaker Turner: "Gentleman asks leave to have Senate Bill 2395 brought back to Second Reading for purposes of Amendment. All those in favor say 'aye'; all those opposed... Opinion of the Chair, the 'ayes' have it. And leave is granted. The Lady from Cook, Representative Kelly, for what reason do you rise?"

Kelly: "Thank you, Mr. Speaker. I would like to be recorded as a 'no' on Senate Bill 2254. 'Yes' was pushed inadvertently, he just called."

Speaker Turner: "Not on that Bill, Representative. We haven't called it yet."

Kelly: "2165."

Speaker Turner: "2165? The record will so reflect. On the Order of Third Readings we have Senate Bill 2401. Representative Black. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2401, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Black: "Thank you very..."

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

127th Legislative Day

5/13/2004

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

Black: "Thank you very much, Mr. Speaker. Senate Bill 2401 amends the Vehicle Code. Excuse me. Provides that the Secretary of State, when sending out a mailer, will be allowed to include material from any source relating to the donation of your vehicle to a not-for-profit charitable organization so that constructive notice can be given to the consumer how to best do that and what to look for when people ask you to donate your automobile or pickup truck or whatever to some charitable organization. The second part of the Bill, as amended, provides that the expiration date for motorcycle license plates and similar vehicles shall be on a staggered schedule. Under the current law, every motorcycle plate is due, I believe, on March 1. And what is happening is if you sell your motorcycle in February, the buyer has to pay a half a year for the plate and then 30 days later is sent a Bill for the full cost of the plate. No other vehicle is treated this way. This would allow the Secretary of State to issue the plates that come due as the motorcycle is sold, depending on the month. It has no fiscal impact on the state. The Secretary of State is in favor of the Bill as amended. I'd ask for your favorable vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 2401 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish?"



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

127th Legislative Day

5/13/2004

Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have Senate Bill 2424. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2424, a Bill for an Act concerning health. Third Reading of this Senate Bill."

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

Feigenholtz: "Thank you very much, Mr. Speaker. Senate Bill 2424 is a Bill that will create a Cervical Cancer Task Force. Many of the women in this Chamber are involved in an organization called 'Women in Government' who have made it a point to address this issue because so many women are affected by cervical cancer and so many can be cured. This Bill develops a statewide task force and a prevention plan. And I'd be glad to ask... answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 2424 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading we Senate Bill 2447. Representative Rose. Read the Bill, Mr. Clerk."

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

127th Legislative Day

5/13/2004

Clerk Mahoney: "Senate Bill 2447, a Bill for an Act concerning minors. Third Reading of this Senate Bill."

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

Rose: "Thank you, Mr. Speaker. Senate Bill 2447 is identical to House Bill 7043, which passed unanimously this Chamber earlier this Session and actually passed the Senate unanimously yesterday. This is, as many recall, would create a prima facie evidence of abuse and neglect where a minor child is exposed to a meth lab by a parent or guardian. This is an absolutely outstanding Bill. I'd like to thank Representative Eddy, the Attorney General's Office and the Governor's Office for working together and making this a much better Bill than it was... than the one was that I originally introduced. I'd ask for its passage."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 2447 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall... the Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have Senate Bill... on the Order of Third Readings we have Senate Bill 2724. Representative Slone. Read the Bill, Mr. Clerk."

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

127th Legislative Day

5/13/2004

Clerk Mahoney: "Senate Bill 2724, a Bill for an Act concerning housing. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is an agreed Bill that reflects some changes needed to an affordable housing Bill we passed last year. It basically changes a few of the dates and definitions to make them compliant with Federal Law. And I would appreciate your 'aye' votes. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions... I'm sorry. The Representative from DuPage, Representative Meyer, for what reason do you rise?"

Meyer: "Representative, how is this Bill different than the one that passed the Senate?"

Slone: "I'm sorry, Representative Meyer. I couldn't hear your question."

Meyer: "Yes, Mr. Speaker, I'm talking as loud as this microphone will let me talk. Perhaps it's too noisy in here. Representative, how does this Bill differ from the Bill that passed the Senate?"

Slone: "I believe this Bill is pretty similar to what they ended up with in the Senate."

Meyer: "Could you speak up? I can't hear you."

Slone: "The Bill changes some of the definitions to be consistent with the definitions that are used by HUD. IDA is gonna be the agency that works with this legislation and the original definitions were not the same as the HUD

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

127th Legislative Day

5/13/2004

definitions that are commonly used for housing programs. So, this Bill was amended on our side to make sure that the definitions were consistent with the HUD definitions."

Meyer: "Well, in the Senate the Bill had 13 votes against it. Does your Amendment take care of some of the reasons why those vote... those votes were negative?"

Slone: "I'm not sure who made the negative votes in the Senate, Representative Meyer. But I would hope that... yes, these changes should be a lot more comfortable... the votes should be a lot more comfortable with these changes for both the housing advocates and the municipalities."

Meyer: "But when your Bill... when this Bill left the Senate was there an agreement to amend it in the House or is this something that just came up?"

Slone: "No, this... there was... it was agreed to amend it in the House because they ran out of time to complete this Amendment in the Senate. But the Amendment that we put on in committee here in the House is the agreed Amendment between the housing advocates and the Municipal League and the... the other representatives of local government."

Meyer: "Okay. Well, thank you for clearing that up for us. Appreciate your comments."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 2724 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 116 voting 'aye', 0 'noes', 0 'presents'.

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

127th Legislative Day

5/13/2004

And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Knox, Representative Moffitt, for what reason do you rise? He doesn't. On page 14 of the Calendar we have Senate Bill 2844. Representative Rita. Read your Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2844, a Bill for an Act concerning veterans home advisory councils. Third Reading of this Senate Bill."

Speaker Turner: "Out of the record. On the Order of Third Readings we have Senate Bill 2926. Representative Davis. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2926, a Bill for an Act concerning child care. Third Reading of this Senate Bill."

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

Davis, W.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2926 is an initiative of DCFS. It's a clean up Bill to House Bill 556 that was passed last year that was sponsored by my seatmate, Representative Collins. House Bill 556 authorized the Department of Children and Family Services to license youth transitional housing program to provide services such as shelter and housing to homeless minors. Unfortunately, that Bill neglected to add the new category of youth transitional housing programs to the Children and Family Services Act. Senate Bill 2926 simply is a change to make sure that we include that definition. It's a revenue neutral Bill. And it has passed every committee, as well as the Senate unanimously.

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

127th Legislative Day

5/13/2004

There is no known opposition to the Bill. And it's being pushed by the Chicago Coalition for the Homeless. Ask for an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 2926 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, page 15 of the Calendar, we have Senate Bill 3013. Representative Ryg. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3013, a Bill for an Act concerning water safety. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Lake, Representative Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3013 is an issue that addresses current regulations which would require suppliers of water to notify the Illinois Environmental Protection Agency of any boil order, whether it's a precautionary as in the case of a water break, contamination of the water supply or any interruption in the water supply. Currently, there is no requirement to notify local health departments which regulate food service facilities, nursing homes, day care and medical facilities that may be affected by a boil order. This legislation amends the statutes regarding

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

127th Legislative Day

5/13/2004

water suppliers and provides that if a public water district issues a boil order the water district must give notice to the local public health department as soon as practical, but no later than two hours after issuance of the order followed by written notification within 24 hours. The notification must include the duration of the order and the geographic area covered. Amendments to the Bill remove the concerns regarding routine temporary shut offs and added township water districts to include all known suppliers of water in the state. This Bill and the notice that it requires will be instrumental in ensuring adequate hot water and safe food handling practices throughout the State of Illinois. And I ask for an 'aye' vote."

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

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

Speaker Turner: "She indicates she will."

Black: "Representative, what does not appear clear to me in this Bill, it defines unit of government. What if the water distribution facility is a privately owned entity? It's an investor-owned water company, not owned, operated or controlled in any way by a unit of government."

Ryg: "I'm sorry, Representative, I don't know the answer to that."

Black: "I think it's extremely important that we find that out. Most of the water in my legislative district is distributed by investor-owned water companies. They are private

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

127th Legislative Day

5/13/2004

businesses. They... they serve customers in municipalities, townships, unincorporated villages, but they are not a unit of government. And as I read this Bill, if they had a boil order they would not have to notify the Department of Public Health. But if it was a city owned or township owned, and I'm not aware of any township-owned water companies or distribution systems, but there might be, they would have to notify the Department of Public Health in two hours. I think that leaves a somewhat large discrepancy in what the Bill attempts to address. The second question is, what if the boil order occurs at 8:00 on a Friday night? Who are you gonna notify? There' nobody in the... you're not gonna find anybody in a county health department at 8:00 on a Friday night. You're not gonna find 'em in the office on Saturday or Sunday. So, you're not gonna notify them probably until Monday and the written notice may not get there until Tuesday. As I read your Bill, they're in violation of the... of the law."

Ryg: "To your first question, to my understanding, this does only address public providers of water. So, in terms of a privately-owned... an investment type of water supplier, that would require different legislation. This is just addressing the public utilities, which does... and now does include townships, which was brought to our attention..."

Black: "Okay."

Ryg: "...as some townships supply water. As far as the emergency notification, the public health departments have mechanisms by which they can be reached during non business hours



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

127th Legislative Day

5/13/2004

based on the nature of their business to protect public health."

Black: "Well, what... what... of what actual value is this Bill? I mean, what's the public health department going to do?"

Ryg: "The pub..."

Black: "Are they going to be the secondary person that the breathless television reporter contacts them and say, what about this boil order, is it an anthrax attack? Oh, what's going on? And the public health department's probably going to nod their head and say, yep, yep, yep, we're aware of it."

Ryg: "Well, it... actually this... this Bill is a result of an incident in a restaurant where the water was shut off and the public health department was not notified and it resulted in some food borne illnesses affecting a significant number of people who got ill. So, in reviewing their policies and procedures as to how they handle water shut offs... our local health department and the Northern Illinois Public Health Consortium reviewed the policies and procedures and found that this legislation would give them the notice they need to better supervise how food handling could be safely accommodated."

Black: "That, to me, even leads to more confusion. If they... if they cut off the water then they probably did the right thing. And if the customers contracted a food borne illness was it because of a food borne bacteria or was it because of something in the water supply? But did they ever find out?"

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

127th Legislative Day

5/13/2004

Ryg: "It was traced back to the fact that because there was no water, proper food handling techniques were not followed, resulting in food borne illness... food borne contamination that made people ill. So, in their attempt to address this they realized that they were not even notified that the water had been shut off and there was risk off poor food handling. So, that's were this legislation originated."

Black: "So, we are going to pass a State Law because something happened in one community, one area?"

Ryg: "It would..."

Black: "I don't... I'm not sure that this is... this is a necessary and vital statute addition. Why wasn't that individual business handled under existing laws? Why now do we have to make this a State Law? I mean, it just seems to me like what we do down here so often. We tend to swallow elephants and choke on gnats. If the restaurant made a stupid mistake I assume they were penalized for doing that."

Ryg: "Yes and in reviewing the policies and procedures the public health departments... and we have concurrence from several public health departments who recognized this was a gap in the notification requirements. And we're trying to fill that gap. This was negotiated with the Northern Illinois Public Health Consortium, the Lake County Department of Public Health, the Metropolitan County Association, metro counties, Illinois Association of Public Health Administrators and the Cook County Department of

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

127th Legislative Day

5/13/2004

Public Health. So, all the health departments do recognize the need for this statewide law."

Black: "Well, most of those people you read off always find some way to back anything that gives them additional authority or... or puts them in the loop. God forbid they'd ever be left out of anything. I think the glaring weakness of the Bill is that it does not cover investor-owned water companies and there are more of those, I think, than you are aware of. For example, I think it was 24 hours ago, the University of Illinois during finals week, a wat... a contractor ruptured a water main, they lost pressure and there was a boil order in effect for the entire campus of the University of Illinois. Now, I know some students who were there and they were not happy about it, but the university very quickly delivered thousands of cases of bottled water and food operations very quickly switched to paper plates and plastic utensils. So... and the water supply in Champaign is a... is a private concern. So, I think they reacted very well. There was no... as far as I know, nothing extraordinary has happened. But I think because your Bill does not address privately-owned water companies you are exempting huge portions of the state from... from this category. And I can't imagine, knowing health departments as I do, that they're gonna sit still for this. They're gonna demand that investor-owned utilities also contact them. So, we're gonna have to have another Bill. I don't know why you just don't wait or amend the Bill, put everybody in the same pot and let's see

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

127th Legislative Day

5/13/2004

what happens. But this Bill does not impact much of my district at all."

Ryg: "I agree with you, Representative, and I think there probably will be subsequent legislation to include them."

Black: "All right. Well, thank you very much, Representative. And to the Bill. Mr. Speaker, I'll probably be the only 'no' vote and I'm getting too old to play 'Don Quixote'. But, ya know, this is an example that something happened and so we have to change state statute, that includes everybody in the state. I don't know what good it's gonna do to notify the Department of Public Health two hours after the incident. Whatever has transpired with that water, if it's contaminated, it's already too late two hours after the fact. The media does a good job of letting people know about boil orders. Health departments would know this through radio, television or telephone calls. I don't know why we need to put this in statute. It's just more and more and more ya have to do this, ya have to do that. The Bill doesn't seem to say anything what happens if you don't. I suppose it's a Class I felony and the operator of the water plant will go to jail for 50 years. I have no idea. I didn't see it in the Bill. But when all is said and done, it doesn't impact most of my district at all because we're served by investor-owned water companies. So, they don't have to notify anybody, but they do. They notify the media, they notify large institutional users, they notify hospitals and, I might add, much quicker than two hours. My hometown of Danville about 10 years ago went

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

127th Legislative Day

5/13/2004

without water for 5 days. We had no water. The flood on the Vermilion River got into the old water treatment plant, flooded it out, ruined all the pumps, contaminated the water. We got by. I wouldn't want to do it again, but we got by for 5 days with emergency water system pickups for drinking, for brushing your teeth, et cetera. But we had absolutely no water in the mains at all. You could turn on your faucet, you weren't gonna get any water. We survived. We survived without additional State Law. We survived without the health department doing whatever it is they wanna do under this Bill, I don't know, run around and say the sky is falling or something. I... I just... the Bill has more holes than it attempts to fill and it's for that reason and my own personal bias about everything that happens in the State of Illinois should be addressed by a law. When I came down here I could carry the law books back and forth to home. Now I need a moving company to move the eight volumes of law. Enough is enough. I intend to vote 'no'. I don't care whether I'm the only 'no' vote or not."

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

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

Speaker Turner: "She indicates she will."

Kosel: "I have some concerns, too, about the private water companies in the debate that's come out. Has staff been able to tell you if this effects private water companies also or investor-owned water companies? Do you know yet?"

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

127th Legislative Day

5/13/2004

Ryg: "It does not."

Kosel: "It does not. Could I suggest, and I'm sure that that was not your intention... as you know, I'm from the suburban area. I have large geographical areas within my district that are investor and private owned. And... and where I can understand your concerns over this Bill, I think that it is really missing the point if it doesn't cover these areas. And I would respectfully suggest that you remove it from the record, see if you can't talk to the powers that be and put an Amendment on it, which we still have time to do, that would pick up these things. The particular company that I'm talking about has... has several senior citizens..."

Ryg: "All right. I'm happy to do that. Remove it from the record and we'll check into the inclusion of private water utilities."

Kosel: "I appreciate that. Thank you very much."

Speaker Turner: "Sponsor asks that the Bill be taken out of the... out of the... out of the record. On page 14 of the Calendar we have Senate Bill 2732. Representative Smith. Read the Bill, Mr. Clerk."

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

Speaker Turner: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is the Senate version of a Bill that we approved earlier this spring. It's a pilot program that would put laptop computers into school districts throughout the state."

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

127th Legislative Day

5/13/2004

There's an allotment that the districts would be so many in Cook County, I believe four in Cook County, four in the suburbs and four downstate. This is an effort to provide each schoolchild with a laptop computer. We'll be able to examine what effects that will have on... on accountability and achievement among our youth in Illinois. I think it's a great program. I'm pleased to say that this... this Senate Bill, which will become, hopefully, the one that we get to the Governor's desk, was sponsored by our good friend and late colleague, Senator Vince Demuzio. I know of no opposition of this Bill. I'd be happy to answer any questions."

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

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

Speaker Turner: "He indicates he will."

Howard: "Representative Smith, can you give me a little bit clearer understanding of how throughout the state this is going to be implemented?"

Smith: "Yes. Representative Howard, this creates a pilot program and school districts will be able to apply to the State Board of Education. It's a three-year program. There will be seven school districts chosen. One district being located... actually, it will be at one school located in the Chicago Public Schools, three in the collar counties and three in the remainder of the state. I was wrong with my previous numbers."

Howard: "Did you say one in the Chicago Public Schools area?"

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

127th Legislative Day

5/13/2004

Smith: "One... one with the Chicago Public Schools, three... three in suburban Cook and the other collar counties and three downstate."

Howard: "Okay. Can ya sorta give me some understanding of why you felt that Chicago Public Schools needed only one of these schools?"

Smith: "It's my understanding, Representative Howard, that was... that was agreed to by the Chicago Public Schools."

Howard: "Okay, very well. To the Bill. I am certainly, as Chairman of the Computer Technology Committee for the House and the Chairman of the Eliminate the Digital Divide Advisory Committee for the Department of Commerce and Economic Opportunity, always very, very pleased to see that we're making some progress and that and that my colleagues are being supportive of efforts that I think are going to help to eventually eliminate the digital divide. Representative Smith, I commend you and if I.. I guess I'm already on the Bill or I would tell you to add me. I certainly hope that all of my colleagues and the House will say that this is a great thing that's going to happen. That it is going to make certain that our young people will not be left behind and that they will all put 'green' vote... votes on this Bill. Thank you."

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

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

Speaker Turner: "He indicates he will."



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

127th Legislative Day

5/13/2004

Meyer: "Representative, on it's face, I don't have any problem with what you're attempting to do here, certainly not a demonstration project. But I do have some concerns. You indicated in your opening statement that you knew of no one that was... no one that was opposed to this. My notes indicate that the... the Statewide School Management Alliance is opposed to it. Are you sure they're not now or what have you done to take their opposition away?"

Smith: "Representative Meyer, that is news to me. They have not indicated that to me at any time. I had the House version of this Bill."

Meyer: "Okay. Well, I think... my understanding is that their opposition isn't with the... the sharing of computers, it's with the fact that... well, let me ask you this. Is... is there a funding source for this provided?"

Smith: "No, there's not, Representative Meyer. This is not... this is not an appropriation Bill. We... we realize, you know, that that's something that has to be considered as we do the... do the budget. It's not my intention or the intention of any of the Sponsors that this would compete with any other technology programs that exist."

Meyer: "Do... does..."

Smith: "I assume that may be where you're going and..."

Meyer: "That... well, my concern is this... then is does your Bill specifically state that this is subject to appropriation?"

Smith: "Yes. This is not a... this is not an appropriation Bill. It would be subject to appropriation, sure."

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

127th Legislative Day

5/13/2004

Meyer: "But does the Bill itself say that it's subject to appropriation or does it... it says that. Okay, I'm told by our staff that it does say that. That... that takes some of my concern away. And my concern was based on if... if it's not subject to appropriation, it's passed, it's signed into law, well then that's a mandate on the local school systems to come up with the money if we don't. And that... that was one of my concerns. So..."

Smith: "I... I certainly understand that and... and, again, this is just a pilot program. I think we're... we're hopeful that there may be some grant money available. The State of Texas has recently enacted a program similar to this and they have actually been able to get donations from corporate sponsors and I think there's... there's some real possibilities to do this with very little state resources."

Meyer: "How did you say... perhaps I missed it, how did you say that these schools were going to be determined as to who is going to participate in this pilot program? I know that... I... I remember the distribution of the schools in Chicago and around the state, but how will those schools be determined from those that might want to partic... participate?"

Smith: "They will be selected by the State Board of Education. And the State Board, of course, will have to establish... establish the rules."

Meyer: "Well, which board is that? Is that the old board or the new board or do we know if we have a board or we're

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

127th Legislative Day

5/13/2004

gonna have a board? Do we want a board? What one is it?  
Okay, well..."

Smith: "Are we bored with the board?"

Meyer: "Yeah, we certainly are. Thank you, for your comments."

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

Black: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Turner: "To the Bill."

Black: "Thank you very much, Mr. Speaker and Ladies and  
Gentlemen of the House. The Sponsor of this Bill is  
probably the nicest individual in this Chamber. I have a  
lot of respect for him. I've worked with him for years.  
I've served on some of his committees, he's probably as  
fair a Committee Chair as I've ever been privileged to work  
under. And... and once again, I... I rise in opposition to the  
Bill. And I may be the only one that votes 'no', but I  
wish you'd take a look at this. This is a good idea. This  
is a great idea. And under normal Session years I'd ask... I  
would ask to be a cosponsor. This isn't a normal Session  
year. Last year wasn't a normal Session year. You know, I  
listened to the Governor's 1 o'clock press conference  
yesterday, I think it started at 3 o'clock, but that's  
neither here or there. The Governor said we have to make  
the tough choices. And you know, the Governor's probably  
right. We are gonna have to make some tough choices.  
Here's a \$10 million pilot program. It's hard to stand up  
and... and ask people or tell people that I'm not gonna  
support it. But how can I support a \$10 million pilot

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

127th Legislative Day

5/13/2004

program when we aren't adequately funding the mandated programs we already have? I... education may come out of this year's budget with a tremendous loss of dollars from what they got last year. The foundation level Bill is on his desk, and if he signs it that takes up about all of the \$400 million that he's al... that he earmarked in his budget address for education. And you know, I could go on and on. But let me just give you one example. All of us are guilty sometimes of going back home and say, but we fully funded categoricals. No, you don't. We haven't fully funded categoricals in 25 years. We fully fund categoricals at the statutory level. Do you know what we send a school district to run special education programs? We send them \$8 thousand per teacher. Now, do you know any special ed teachers that work for \$8 thousand a year? I don't. Last year the City of Danville Public Schools subsidized their special ed program by spending \$3.4 million of their General Revenue funds that came largely from the property tax. It's disingenuous when we say we are fully funding categoricals. We're not. We're not even close to funding these programs at what they cost. There are students in schools throughout the state who do not have sufficient reading text books. We can't hire speech pathologists in our schools because we can't... we... they don't have the money to pay what a speech pathologist can make today in the private sector. We don't give children the early intervention attention that they often need because we don't have the money. If we were fully funding all of the

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

127th Legislative Day

5/13/2004

mandated programs that we already have, I'd vote for this Bill in a heartbeat and I would ask if my good friend, Representative Smith, would let me be a cosponsor. But you know, there are times, as the Governor said, that you have to stand up and tell people back home this was a great idea and Representative Smith should be congratulated for bringing it forward. But I cannot, in good conscience, vote for this good idea until I can go home and look my school children, my teachers, and my school board members in the eye and said we have fully funded all of the mandated programs that we ask you to do. We have not done so. We are not doing so. And I cannot, in good conscience, vote to put a \$10 million pilot program on the books when, number one, I'm sure it won't be funded and, number two, the money isn't there and, number three, we aren't meeting our obligations now. Let's meet the obligations to our school children totally and completely and then let's come back and talk about well-meaning pilot programs. When we fully fund education I'll be the first one to join Representative Smith in cosponsoring this Bill. I intend to vote 'no'."

Speaker Turner: "The Gentleman from Fulton, Representative Smith to close."

Smith: "Thank you, Mr. Speaker. And Representative Black, I don't... I don't exactly disagree with you other than how your gonna vote on the Bill. This certainly is not... it's not to take money away from any other area of education. This is not an appropriation Bill. It's just saying that

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

127th Legislative Day

5/13/2004

we think technology is important in education in the classroom. We want to be on the cutting edge in Illinois. This would study the effects of giving a laptop computer to each and every schoolchild in the state. This would do it on a pilot program for three years. We can examine the effects in certain school districts that have a demonstrated need. I think it's a excellent program. I'm pleased to be able to sponsor this legislation along with our good friend, the late Senator Demuzio. I think it would be an excellent tribute to Senator Demuzio who has certainly been a leader in the field of education here in the General Assembly in the past 30 years. And I would ask for your 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 2732 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall the record. On this question, there are 97 voting 'aye', 6 voting 'no', 12 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Readings, which is the order we're headed to now, on page 17 of the Calendar we have House Bill 2236. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2236, a Bill for an Act in relation to gaming. Second Reading of the Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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

127th Legislative Day

5/13/2004

Speaker Turner: "Hold that Bill on Second Reading. On the Order of Second Reading we have Senate Bill 2244. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2244, a Bill for an Act in relation to criminal law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. On the Order of Second Reading we have Senate Bill 2274. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2274, a Bill for an Act concerning property. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Page 19 of the Calendar we have Senate Bill 2901. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2901, a Bill for an Act concerning business transactions. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 855... or House Resolution 896, House Resolution 897, House Resolution 899, House Resolution 900, House Resolution 901, House Resolution 902, House Resolution 903, House Resolution 904, House Resolution 905, House Resolution 909, House Resolution 910, House Resolution 912, House Resolution 913, House Resolution 914, House

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

127th Legislative Day

5/13/2004

Resolution 915, House Resolution 916, House Resolution 918, House Resolution 919 and House Resolution 920."

Speaker Turner: "The Gentleman asked leave for the adoption of all the Agreed Resolutions except House Resolution 905 which will be dealt with shortly. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. The Lady from Cook, Representative Bassi, for what reason do you rise?"

Bassi: "Thank you, Mr. Speaker. I apologize, I was briefly off the floor. I had intended to vote 'yes' on Resolution 2732... Senate Bill 2732."

Speaker Turner: "Okay. The record will so reflect your intentions."

Bassi: "Thank you."

Speaker Turner: "Mr. Clerk, on the Adjournment Resolution."

Clerk Mahoney: "House Joint Resolution 85.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, May 13, 2004, the House of Representatives stands adjourned until Monday, May 17, 2004 at 2:00 p.m.; and the Senate stands adjourned until Monday, May 17, 2004, at 4:00 p.m."

Speaker Turner: "Representative Currie moves for the adoption of the Adjournment Resolution. All those in favor say 'aye'; all those opposed say 'no'. In opinion of the Chair, the 'ayes' have it. And the Adjournment Resolution



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

127th Legislative Day

5/13/2004

is adopted. Mr. Clerk, House Resolution 905. This is a Death Resolution, Members. House Resolution 905."

Clerk Mahoney: "House Resolution 905."

Speaker Turner: "We ask..."

Clerk Mahoney: "...

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the tragic death of Army Cpl. Forest Joseph Jostes of Albion on April 4, 2004 in Baghdad, Iraq; and

WHEREAS, Forest Joseph Jostes was born on April 30, 1982, in Warrensburg, Missouri, the son of Von and Diane Ibbotson; and

WHEREAS, He joined the Army on his 17th birthday and became a member of the 25th Army Combat Engineers out of Lawrenceville; he later joined active duty with the 1st 82nd Field Artillery as part of the 1st Cavalry out of Ft. Hood, Texas; he had been in Iraq for about three weeks; he was a decorated soldier and received four Army Achievement Awards; and

WHEREAS, He volunteered on April 4, 2004 for a quick response team to rescue 20 soldiers who had been pinned down by insurgents; he was a gunner in the rescue humvee, going down narrow streets to reach the trapped soldiers, that was fired upon by the insurgents; it was that attack that claimed his life; his parents were notified of his death by Casualty Assistance Officer, Jeremiah Aeschleman, who helped the family through this tragedy with his kind support; and

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

127th Legislative Day

5/13/2004

WHEREAS, Cpl. Jostes was a fine Christian man and was a member of Albion First Baptist Church; he carried the 91st Psalm with him wherever he went; and

WHEREAS, The passing of Army Cpl. Forest Joseph Jostes will be deeply felt by many, especially his parents, Von and Diane Ibbotson; his sister, Michelle Lee Teeter and her husband, Brian; his brothers, Benjamin L. Jostes and Evan R. Ibbotson; his grandparents, John and Laura Ibbotson, Glen and Darlene Kellison, and Norman and Shirley Costley; his nieces and nephews; and his several aunts, uncles, and cousins; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that together with his family, friends, educators, community, and fellow members of the United States Armed Forces, we mourn the death of Army Cpl. Forest Joseph Jostes, who will be remembered as a patriotic, brave and courageous man, and offer our deepest sympathy to all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this Resolution be presented to the family of Army Cpl. Forest Joseph Jostes as an expression of our deepest sympathy."

Speaker Turner: "The Gentleman from Effingham, Representative Grunloh."

Grunloh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I had a conversation with this... with Corporal Jostes' father a couple weeks ago and he talked about how when the... when the... he was 6 years old he would dress up in

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

127th Legislative Day

5/13/2004

a military uniform and how that's all he ever wanted to do all his life. And like you said, he joined the military when he was 17 years old. He was there just a little over 2 weeks. There were some soldiers that were pinned down, he was volunteered for a quick response team, was riding on top of a humvee and was killed. We had the honor of going to his service and watched a video collage of his life and saw the pain of his family and all of Albion. And, ya know, we must never forget that the respect and honor that we must continue to give to these soldiers that are fighting over there and they truly gave the ultimate sacrifice. And thank you very much."

Speaker Turner: "The Gentleman asks leave for the adoption of House Resolution 905. All those in favor say 'aye'; all those opposed say 'no'. Opinion of the Chair is the 'ayes' have it. And the Resolution is adopted. Two announce... two announcements. First of all, all Senate Bills on the Calendar the... will be extended 'til May 31st. So, the life of the Senate Bills currently on the Calendar will be... the deadline will be extended 'til May 31st of 2004. The Gentleman from Cook, Representative Molaro, for what reason do you rise?"

Molaro: "Point of information."

Speaker Turner: "State your point."

Molaro: "Says here that... on this yellow sheet it says May 21st we have Session and it says the 24th through the 31st Session schedule will be announced. Since we're adjourning on May 21st is that like a Special Session or something

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

127th Legislative Day

5/13/2004

that I'm not aware of, since the 21st is adjournment date? So, are there gonna be some Special Session the Governor is calling or something?"

Speaker Turner: "We'll let you know on the 21st."

Molaro: "Okay."

Speaker Turner: "The Gentleman from Fayette, Representative Stephens. And now Representative Granberg asks that the House does stand adjourned 'til Monday, May 17th at the hour of 2 p.m. Monday, May 17th at 2 p.m. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. And the House does stand adjourned 'til Monday, May 17th at the hour of 2 p.m., allowing perfunctory time for the Clerk."

Clerk Mahoney: "House Perfunctory Session will now come to order. Reading of Senate Bills-First Reading. Senate Bill 2689, offered by Representative Mautino, a Bill for an Act concerning civil procedure. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Thursday, May 13, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' Senate Bill 1955, referred to the Order of Second Reading. There being no further business, the House Perfunctory Session will stand adjourned."