

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "The hour of 1:00 having arrived, would the Members please be in their seats? Members and guests are asked to refrain from starting their laptops, turn off all cell phones, pagers and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Don Panky with the Mattoon Christian Church in Mattoon, Illinois. Pastor Panky is the guest of Representative Rose."

Pastor Panky: "Will you pray with me, please? Our kind and most gracious Heavenly Father, we just come to You this afternoon and we just thank You, first of all, for this opportunity that we have to live in such a great country as the United States. Now, Father, we just also thank You for the State of Illinois and the opportunity we have to be residents of the State of Illinois. Now, Father, we just come to You now and we just lift up each one of these Representatives to You at this time, Lord. And we just ask that You would be with them, that You would direct their thoughts and that You would guide their thoughts and let them know that You're there with them. Now, Father, I just pray that You would just for maybe, just for a day, that You would let all these Reps just focus on their districts and the people back home and take the political process out and that they might be able to only look for the good of what's best for the State of Illinois. And I just pray all of these things in Jesus' name. Amen."

Speaker Hannig: "And Representative Grunloh, would you lead us in the Pledge of Allegiance?"

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

133rd Legislative Day

5/25/2004

Grunloh - 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 Hannig: "Mr. Clerk, Roll Call for Attendance. Representative Bost."

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

Speaker Hannig: "The record will so reflect. And Representative Verschoore, for what reason do you rise? Representative Lang."

Lang: "Thank you, Mr. Speaker. Excused absences on the Democratic side include Representative Washington and Representative Steve Davis."

Speaker Hannig: "Mr. Clerk, take the record. There are 115 Members answering a Roll Call... the Roll Call, a quorum is present. Mr. Clerk, would you do the Committee Reports?"

Clerk Mahoney: "Committee Reports. Representative Brosnahan, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on Monday, May 24, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 922. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on Monday, May 24, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 3201 and House Joint Resolution

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

133rd Legislative Day

5/25/2004

83; 'do pass Standard Debate' Senate Bill 3188. Representative Bradley, Chairperson from the Committee on Personnel & Pensions, to which the following measure/s was/were referred, action taken on Monday, May 24, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 1269. Representative McGuire, Chairperson from the Committee on Aging, to which the following measure/s was/were referred, action taken on Monday, May 24, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendments #1 and 2 to House Bill 5057 and House Resolution 943. Representative Reitz, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on Monday, May 24, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 923. Representative Steve Davis, Chairperson from the Committee on Public Utilities, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 971 and House Resolution 937. Representative Hamos, Chairperson from the Committee on Housing & Urban Development, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House

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

133rd Legislative Day

5/25/2004

Resolution 898 and House Joint Resolution 82. Representative Delgado, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted as amended' House Resolution 934; 'do pass as amended Short Debate' Senate Bill 3191; and recommends 'be adopted' House Resolution 924, House Resolution 931 and Senate Joint Resolution 58, Floor Amendment #3 to Senate Bill 2880. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 928, a Motion to Concur with Senate Amendment #1 and House Bill 4012. Representative McCarthy, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 929. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 4977, a Motion to Concur with Senate Amendment #1 to House Bill 5732, a Motion to Concur

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

133rd Legislative Day

5/25/2004

with Senate Amendment #2 to House Bill 6583, a Motion to Concur with Senate Amendment #2 to House Bill 6760, and House Resolution 917. Representative Collins, Chairperson from the Committee on Juvenile Justice Reform, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' Senate Joint Resolution 53. Representative Delgado, Chairperson from the Committee on Judiciary-Criminal Law, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 4771, a Motion to Concur with Senate Amendments 2, 3 and 4 to House Bill 5017, and a Motion to Concur with Senate Amendment #1 and 3 to House Bill 7057. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on Tuesday, May 25, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 728; recommends 'be adopted' a Motion to Concur with Senate Floor Amendment #1 to House Bill 833 and a Motion to Concur with Senate Committee Amendment #1 and Senate Floor Amendment #2 to House Bill 4280."

Speaker Hannig: "On page 3 of the Calendar, under the Order of House Bills-Second Reading, is House Bill 6200. Representative Rose, would you like us to move that Bill?"

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

133rd Legislative Day

5/25/2004

Out of the record. Representative Bassi, on Sen... on House Bill 6354. Would you like us to move... Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 6354 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Bassi, has been approved for consideration."

Speaker Hannig: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a noncontroversial Bill which amends the State of Illinois Commemorative Dates Act designating November as Alzheimer's Disease Awareness Month in Illinois. There is no opposition and I ask for its adoption."

Speaker Hannig: "Is there any discussion? Then all in favor of the Motion... of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 17 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 1906. Representative Slone. Okay. Let's take that out of the record. And we'll move to Senate Bill 2238. Representative Molaro, would you like to move that Bill from second to third? Representative Molaro."

Molaro: "Well, what I thought we had is a Floor Amendment #3 that's been approved for consideration. I'd like to present the Amendment while it's still on second."

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "That's what... that's where we're at, Representative."

Molaro: "Oh, that's where we're at. And what I'm..."

Speaker Hannig: "So, Mr. Clerk... Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2238 has been read a second time, previously. Committee Amendment #1 lost in committee. Floor Amendment #2 lost on the floor. Floor Amendment #3, offered by Representative Mautino, has been approved for consideration."

Speaker Hannig: "Representative Mautino."

Mautino: "Hello. Thank you, Speaker. Happy to be here. Delighted. And I'd like to tell you that this is... this language and this Amendment removes the controversial provisions which had to do with the FR limits. That was the provision that, I think, got 5 votes the last round. So, after looking at that we realized that those... that provision should be taken out. Clarifies that the state statute with respect to the Supreme Court ruling, which would be the John Deere, all that is the same. And after taking a look at the wishes of the House, this Amendment proves the... removes those controversial provisions and it is agreed."

Speaker Hannig: "Okay. On that... on the Amendment, Representative Mautino has moved for its adoption. And on that question, the Gentleman from Vermilion, Representative Black."

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

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

133rd Legislative Day

5/25/2004

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

Black: "Representative, the first portion of your Amendment #3 I thought was addressed in a Bill that Representative Hultgren had yesterday?"

Mautino: "Actually, Representative Hultgren is going to address that issue in his comments, but no, that language was not in the Bill from yesterday. That was part of the confusion under his legislation."

Black: "Well, didn't he have the 'at fault' language? There... there are two sections, as I understand this Amendment. One... one deals with the 'at fault' language, that I thought Representative Hultgren's Bill yesterday addressed, and then the second portion gets into the case of Lee vs. John Deere."

Mautino: "Correct. In... in this Bill this Amendment will clarify the statute dealing with underinsured motorist coverage as it applies to the Lee vs. Deere. You're correct. That is in this language. It was in a previous Bill, that Section had been taken out. So, we'll be... we're addressing the John Deere language on its own."

Black: "Okay. And when we get to Third Reading we can clarify some of the... there are more misconceptions running around the chamber on this Bill as you know... as you well know. And so, rather than do it on the Amendment we can just agree to do it on the Bill and try and get a clarification on what this Bill actually then will do?"

Mautino: "Right. And actually, I'm glad that you brought that up. And in December of '03 the court invalidated the



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

133rd Legislative Day

5/25/2004

current statute defining when a customer makes a choice for uninsured motorist coverage. And that's what's at the heart of the Bill. It was previously in another piece of legislation, it has been taken out. And that's been negotiated and agreed to. So, it's not the controversial portion."

Black: "Okay. All right."

Mautino: "But I'll be happy to fully explain it..."

Black: "Okay. Fine. Thank you, Representative."

Mautino: "...if I don't bore you to tears."

Speaker Hannig: "The Lady from Cook, Representative Feigenholtz. Okay. How 'bout the Gentleman from DuPage, Representative Hultgren."

Hultgren: "Yes. Thank you, Mr. Speaker. To the Amendment. Real quickly. I do support this. This is really through the negotiations of all the different parties. This is what we had discussed yesterday, when I had my Bill that did pass unanimously, that there was going to be some follow-up language coming to address the... the starting date of the 'at fault' language. And that's really all that this does is the... what passed yesterday was basically immediately effective, at the request of the insurance companies and by agreement of all the parties. What this does is it delays that until, I think, it's July of 2005 is, I think, the starting date. So, this is... I had mentioned that there was going to be follow-up language, kind of a trailer Bill, and this is what does that. So, again, this is... everybody's in agreement with this in the

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

133rd Legislative Day

5/25/2004

industry. All sides here would encourage your support of this."

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

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

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

Yarbrough: "For a question. Representative, I understand this Bill has no opposition. Is that correct?"

Mautino: "That is correct and I believe the board should reflect that you and I had talked about becoming a cosponsor on the Bill and I'll make sure that paperwork gets placed up there. I appreciate your work on it."

Yarbrough: "Thank you. To the Bill. I, too, support this Amendment and support the Bill in its current form. Thank you."

Speaker Hannig: "Any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, could we read Senate Bill 2247? Representative Dunkin. Okay. Let's take that out of the record and move to Senate Bill 2253. Representative Saviano."

Clerk Mahoney: "Senate Bill 2253, a Bill for an Act concerning professional regulation. Second Reading of this Senate Bill. Amendment #1 was approved in committee. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "The Gentleman from Cook, Representative Saviano, on the Amendment."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 is a technical Amendment which removed the discretionary power of a pharmacist to interpret certain aspects of a prescription. It's in agreement between the pharmacist and the med society. And I would ask that Floor Amendment #2 be adopted."

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

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

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

Parke: "Representative, I understand that there's a concern dealing with the word 'dispense'. Has that definition been agreed to by both the pharmaceutical... the pharmacists and the Illinois State Medical Society?"

Mautino: "Yes."

Parke: "So, as Amendment #2 now says, in an essence, that there's no opposition or is there any opposition still?"

Mautino: "There's no opposition."

Parke: "Thank you, Representative."

Speaker Hannig: "Any further discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "Third Reading. On page 19 of the Calendar is House... is Senate Bill 2844. Representative Rita. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "Senate Bill 2844 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Rita, has been approved for consideration."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill... Amendment #2 for Senate Bill 2488 makes some technical changes. Changing the word 'members' to 'veterans' and after the appointments would go back to the a... the a... original person who made the appointments for these members for this veterans committee."

Speaker Hannig: "Is there any discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 20 of the Calendar, at the top of the page, is Senate Bill 2944. Representative Sommer. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2944, a Bill for an Act concerning public health. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Sommer, has been approved for consideration."

Speaker Hannig: "The Gentleman from Tazewell, Representative Sommer."

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

133rd Legislative Day

5/25/2004

Sommer: "Thank you, Mr. Speaker. Floor Amendment #1 was an Amendment presented by the Northern Illinois Public Health Consortium. It was in response to some concerns expressed in committee. And the Amendment, therefore, becomes an agreed Amendment by the parties involved. And I request the adoption of the Amendment."

Speaker Hannig: "Is there any discussion? All... the Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. To the Bill. I just wanna thank Representative Sommer for working on this Bill because originally the northern alliance up in the northern part of the state was opposed to this Bill and he and Senator Rutherford worked hard to come up with a compromise. And so, I thank him for all that hard work. Thank you. And we support the Bill."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, we... I... the Chair inadvertently skipped over on page 16, Senate Bill 1648. Would you read that Bill, please?"

Clerk Mahoney: "Senate Bill 1648, a Bill for an Act concerning construction management. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And now, back on page 20 of the Calendar is Senate Bill 3007. Representative Howard.

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

133rd Legislative Day

5/25/2004

Would you want us to move this from second to third? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3007, a Bill for an Act concerning the sealing of criminal records. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered Representative Howard, has been approved for consideration."

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

Howard: "Amendment #2 provides that the official records of the charges and disposition that are held by the arresting authority, the Department of State Police and the Clerk of the Circuit Court, may be sealed if an adult or minor prosecuted as an adult has been convicted of one or more violations of a municipal ordinance or misdemeanors and at least four years have lapsed since the last such... such conviction or term of any sentence, probation or supervision, if any. And the individual since the last such conviction or term of any sentence, probation or supervision, if any, has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor. I will accept any kind of questions regarding that."

Speaker Hannig: "The Lady has moved for the adoption of Floor Amendment #2. Is there discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "Representative Howard."

Howard: "Amendment #4 provides that the clerk... the Circuit clerk of the Circuit... clerk of the Circuit Court may charge a fee equivalent to the costs associated with the sealing of records by the clerk and the Department of State Police subject to county board approval and notwithstanding any provision of the Clerk of Courts Act to the contrary."

Speaker Hannig: "The Lady moves for the adoption of Floor Amendment #4. Is there any discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #5, offered by Representative Howard, has been approved for consideration."

Speaker Hannig: "Representative Howard."

Howard: "House Amendment #5 deletes provisions that sealed criminal history records shall be... shall not remain sealed to employers, authorizing bodies and government agencies when State or Federal Law or regulation would otherwise prohibit employment or licensure by the person had his or her criminal history records not been sealed. Deletes the provision that a felony record of arrest or conviction shall not be sealed until the Department of State Police has implemented the system to provide these records, which shall be accomplished in no more than one year from the effective date of the Amendatory Act. I'll accept questions on that."

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

133rd Legislative Day

5/25/2004

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

Parke: "Thank you, Mr. Speaker. I have a question on this Bill..."

Speaker Hannig: "Yes, the Lady will yield."

Parke: "...that... if the Clerk can tell me something? What happened to Amendment #4?"

Speaker Hannig: "Mr. Clerk, could you bring Representative Parke up to date on Amendment #4, please?"

Clerk Mahoney: "Floor Amendment #4 was adopted by the House."

Parke: "Okay. Thank you very much. Then I have no question on Amendment 5."

Speaker Hannig: "The Lady will yield. Did you say you had a question, Rep... No question. Okay. Are there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Representative Howard."

Howard: "Thank you, Mr. Speaker. I'd like to keep this... this Bill on Second Reading. There is yet another Amendment that must come before us."

Speaker Hannig: "Okay. So, this will remain on Second at the request of the Sponsor. Mr. Clerk, would you read Senate Bill 3069?"

Clerk Mahoney: "Senate Bill 3069, a Bill for an Act concerning carnival ride operators. Second Reading of this Senate Bill. Amendments #1 and 2 were adopted in committee."



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

133rd Legislative Day

5/25/2004

Floor Amendment #3, offered by Representative Joyce, has been approved for consideration."

Speaker Hannig: "Okay. Out of the record at the request of the Sponsor. Representative Reitz, would you like us to move Senate Bill 3111? Representative Reitz. Okay. Out of the record. Let's return, Mr. Clerk, to... Mr. Clerk, would you read Senate Bill 1906 on page 17 of the Calendar?"

Clerk Mahoney: "Senate Bill 1906 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Slone, has been approved for consideration."

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

Slone: "Thank you, Mr. Speaker. I move to table Floor Amendment 1."

Speaker Hannig: "So, the Lady withdraws Floor Amendment #1. Is there any further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Slone, has been approved for consideration."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was taken out of the record a week or two ago because of some problems with it. Floor Amendment 2, I believe, corrects almost all of the problems that we faced with the earlier version. The Department of Commerce and Economic Opportunity is now neutral on the Bill, as is the Municipal League, the Chamber of Commerce and the Illinois Association of Realtors and perhaps some others. I would be pleased to take any questions."

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "The Lady moves for the adoption of Floor Amendment #2. And on that question, the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Quick question about the Bill. She mentioned a number of groups that were no longer in opposition through... because of Amendment #2 as drawn. How 'bout the homebuilders and the realtors?"

Slone: "Mr. Parke, if I heard you correctly, you're asking about the homebuilders and the realtors. Is that right?"

Parke: "Yes, ma'am. I was."

Slone: "Okay. The realtors are neutral on the Bill now."

Parke: "Realtors."

Slone: "Yeah, the realtors are."

Parke: "How 'bout..."

Slone: "The homebuilders are still not fond of the one provision of Amendment #2, which is Section(h) on the Intergovernmental Cooperation Councils. And I'm not unwilling to make a change in that, but we're really kind of running out of time to do it. What... what we do is we do give the Intergovernmental Cooperation Councils, if they go through all the hoops involved in Sections (a), (b), (c), (d), (e), (f) and (g) and (h) itself, they would... they would get a preference for state grants. So..."

Parke: "Well..."

Slone: "I'm sorry."

Parke: "...my notes say that you agreed to hold the Bill to Second Reading 'til this can be worked out. If you're planning on putting that Amendment on, at least you've

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

133rd Legislative Day

5/25/2004

removed some of it. If you plan on moving it to Third without an agreement with the homebuilders then I will have to rise and oppose your legislation. But this Amendment 2 certainly makes the Bill better."

Speaker Hannig: "Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments, but notes have been filed on the Bill."

Speaker Hannig: "Okay. So, Representative Slone, there's been some requests for notes... there's been some requests for notes. Representative Slone."

Slone: "Speak... Mr. Speaker, can... can the Clerk give me which notes have been requested and on which Amendment, please?"

Speaker Hannig: "Why... why don't you come down to the well..."

Slone: "Okay."

Speaker Hannig: "...and the Clerk can bring you up to date on what the status is, but for the time being the Bill remains on the Order of Second Reading."

Slone: "Thank you."

Speaker Hannig: "Mr. Clerk, would you read Senate Bill 2247?"

Clerk Mahoney: "Senate Bill 2247, a Bill for an Act in relation to property. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Dunkin, has been approved for consideration."

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

133rd Legislative Day

5/25/2004

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

Dunkin: "Thank you, Mr. Speaker and Members of the General Assembly here. Senate Bill 2247 merely allows the City of Chicago to enter into an agreement with the Illinois Department of Transportation and allowing them to lease land at fair market value. And this is a technical change and I would ask for a favorable vote."

Speaker Hannig: "Gentleman has moved for the adoption of Floor Amendment #2. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, Amendment #2 adds to the Bill, correct?"

Dunkin: "Correct."

Black: "Is Amendment... was Amendment #1 adopted?"

Dunkin: "Yeah, what it did was it narrowed the scope of the Bill. It was... just one second, Representative."

Black: "Gonna make an inquiry of the Chair just to make sure... I think Amendment #1 became the Bill. I just wanna make sure that that is on the Bill so you don't get out of order here."

Speaker Hannig: "So... so, Mr. Clerk, Representative Black wishes to know the status of House Amendment #1. Has that been adopted?"

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

133rd Legislative Day

5/25/2004

Clerk Mahoney: "Committee Amendment #1 has been adopted. No Floor Amendment... only #2 has been approved for consideration."

Speaker Hannig: "Okay. So, Representative Black."

Black: "Okay. Now, you mentioned about... one of the questions I had was fair market value and you've addressed that. Have you been able to pinpoint where this land is? It was on the northeast side, as I recall, but we couldn't... we didn't really focus on where this parcel is."

Dunkin: "Yeah, it's a... the exact... I don't have the exact address, but it's right near... it's a... I wanna say it's right next door or about 40 feet away from the current site that they're trying to lease, UPS."

Black: "Do you... do you... have they done the fair market appraisal? Do you have a value on the parcel?"

Dunkin: "I'm sorry. Can you repeat your question?"

Black: "Yes. Do you have a value on the parcel? How much is the appraisal at fair market?"

Dunkin: "Ya know, at this moment I don't have an exact value or an amount. But fair market value for commercial leasing in Chicago, I'm sure, is gonna be fair."

Black: "Well, that... that... that was our initial concern that this would be a very valuable parcel and the original Bill said it would be conveyed for \$1. And now, it's your intent that this parcel be conveyed from IDOT to the City of Chicago for fair market value based on appraisal, correct?"

Dunkin: "It's not being conveyed, it's being leased to the..."

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

133rd Legislative Day

5/25/2004

Black: "Well, who..."

Dunkin: "...United Parcel Service."

Black: "...who's the leaseholder then?"

Dunkin: "Were you clear, Sir?"

Black: "No, who is the leaseholder then? If you're just conveying a lease, who currently owns the lease? IDOT?"

Dunkin: "IDOT. Correct. IDOT will own the lease, they will... excuse me, IDOT owns the land and the land will be conveyed to the City of Chicago to be... excuse me, to be leased to the City of Chicago and Chicago will then lease it to UPS."

Black: "Wow."

Dunkin: "Does that make sense?"

Black: "Not a whole lot."

Dunkin: "You say why?"

Black: "One public entity is leasing this parcel to another public entity who will then convey it to a private entity?"

Dunkin: "No. What the State of Illinois is doing, IDOT, Illinois Department of Transportation, we are leasing it to the City of Chicago and the City of Chicago will be subleasing it to UPS for their expansion. Not conveying."

Black: "And what value will eventually be transferred to IDOT? And I would assume that that value would then go back in to the public treasury since the... the parcel in question, I assume, was purchased by IDOT from public funds, correct?"

Dunkin: "Go ahead. Could you repeat your question, Representative?"

Black: "What I'm trying to get at is that this parcel is evidently owned by the Illinois Department of

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

133rd Legislative Day

5/25/2004

Transportation. They evidently at one time purchased this land for a highway or something that didn't materialize. Now, if they're going to transfer a leasehold to the City of Chicago who will then sublet that leasehold to a private entity, I'm concerned... where does... who's paying what amount of money to go back into the treasury to hold the taxpayers harmless who bought the first parcel to begin with?"

Dunkin: "Okay."

Black: "So, I'm interested in reform here."

Dunkin: "Ya know, Representative, IDOT currently leases land to various municipalities and other entities all the time, all across this State of Illinois, and they're doing so here at fair market value in the City of Chicago. They're simply leasing this land that's unused, that's near a viaduct. And if IDOT wants to take that land back they can do that because they have ownership of the land. They can break the lease legally and take their land back, if needed, to expand the expressway, build a new expressway. So, it's IDOT's current policy, they do it anywhere across the State of Illinois. And all we're trying to do is to give it... a business that happens to be very near my district, actually in my district, an opportunity to expand and hire more Illinoisans for their company and to raise money for the State of Illinois on the revenue stream. So, the State of Illinois does not lose at all. Fair market value leased to the City of Chicago, fair market value subleased to this company."

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

133rd Legislative Day

5/25/2004

Black: "Well, I... I'm all for jobs and expansion and I'm very happy that it's near your district and I'm all for that. But, the ultimate question here has never answered. If IDOT is currently leasing the land, who are they leasing it from?"

Dunkin: "Who is who... who is who releasing it from?"

Black: "Who owns the land that IDOT is leasing? Somebody has to own the land, the parcel."

Dunkin: "The State of Illinois owns it... the land."

Black: "Oh."

Dunkin: "Yes."

Black: "Now we get back to my original question. If the state... the State of Illinois is not an entity, that's the people of Illinois. Their tax dollars bought this parcel. Now, where in this process does whatever IDOT paid for this land get reimbursed and put back into the IDOT budget?"

Dunkin: "This goes back to the State of Illinois' budget, the General Revenue Fund."

Black: "Oh, back to General Revenue."

Dunkin: "To the State of Illinois. The people in this state, as you pointed out, Representative."

Black: "So, IDOT bought it. Do you know whether they bought it through Road Fund money?"

Dunkin: "I'm sorry, can you repeat your question again?"

Black: "Yes. Did I... did the Illinois Department of Transportation buy the parcel in question from Road Fund money?"

Dunkin: "Ya know, I'm not exactly sure, Sir. Represen..."



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

133rd Legislative Day

5/25/2004

Black: "That would be... that would be very nice to know, because if they paid for it out of Road Fund money then the ultimate sale of that land should be returned to the Road Fund not to the General Revenue Fund, but we'll address that on Third Reading. How much did IDOT pay for the parcel? Do you know that?"

Dunkin: "I don't know, Sir."

Black: "Could..."

Dunkin: "I have no idea."

Black: "...could you find out before we go to Third Reading?"

Dunkin: "Ya know, I wanna agree... I will not agree to that at this point. But what I do understand and know for a fact is that the Illinois Department of Transportation owns the land, the land's been sitting vacant for quite some time now and here we are in an opportunity to lease the land, make some money. Fair market value to the City of Chicago and the City of Chicago cannot only sublease it for fair market value, but we're gonna build jobs, we're gonna expand, give a company, whose gonna, again, pay for this at fair market value, give them an opportunity to hire people in the State of Illinois and put that land to use. I think that's a great idea. I think that's a... that's one of the concerns that many Representatives here in this chamber would love to have. To give businesses an opportunity to expand, especially where the state wins. There's... no one gets hurt because the state and the people of the State of Illinois benefits. So, I don't see what the major concern is given that we have unused land, we have a company..."

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

133rd Legislative Day

5/25/2004

Black: "Repre..."

Dunkin: "...located in our state, headquartered in our state that wants to expand and hire people in our state and we're not losing because we're leasing the land, not for a dollar, not for five dollars, but for ten doll... excuse me, but for fair market value."

Black: "Representative, I don't think we're quite on the same page. Let me see if I can get there by another... another exit. How... how... do you have a rough idea of what the lease payments will be on this parcel? How much would you anticipate UPS paying in lease payments on the parcel? A thousand a month, 10 thousand a month, a buck fifty a month. I mean, do you have any rough idea?"

Dunkin: "Representative, I can't say... I don't exactly what the lea... what the fair market value is for that respective parcel. But I can say this here, in that particular location, it's in the south loop, downtown Chicago, it is an extremely expensive area to acquire any land, to lease any land or any space around that part of town. So, I'm willing to bet and tell you that the State of Illinois is gonna get a nice bang for its buck. Whereas, prior to this agreement or hopeful agreement between the company trying to expand its operation, it's a win-win for the State of Illinois and for the people of the State of Illinois. So, again, I'm not exactly sure what the amount is but I am very sure that fair market value at that type of address and location around the UIC campus is pretty expensive. So, I'm... it's a good deal all around and, again, the State

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

133rd Legislative Day

5/25/2004

of Illinois and its residents will have unused land utilized at fair market value."

Black: "Who will the lease payments go to? The City of Chicago?"

Dunkin: "Correct."

Black: "Representative, you... you and I have a fundamental difference on how land is transferred to ownership. The State of Illinois, through IDOT, purchased a piece of land, that's tax money. Now, do you know whether they used eminent domain to take that parcel of land? Did they condemn the land, take it from a... an owner, take it through the right of eminent domain away from the owner for a public purpose, i.e. road construction?"

Dunkin: "Representative, there is no transfer of property here."

Black: "Well..."

Dunkin: "The State of Illinois... the State of Illinois owns the land, we're simply leasing the land at fair market value. The land is being unutilized and we're giving com... this company a chance to sublease it at fair market value to hire Illinois residents so they can make a living and contribute to our great taxing body here in the State of Illinois."

Black: "Representative, let's just focus on the one thing. All of the job propaganda, stow that, you'll have a chance to use that later on on a plant you'll probably vote to shut down in De Kalb. What I'm interested in is one simple fact, the taxpayers of Illinois bought a parcel of land,

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

133rd Legislative Day

5/25/2004

probably through eminent domain. All I wanna know is, how much did the State of Illinois pay for that parcel and when and how will the State of Illinois taxpayers be paid back for the land and the money comes back to whatever fund it was taken out of?"

Dunkin: "Representative, again, I don't know exactly what the state paid for this land. I know the state owns the land right now and we have an opportunity to lease it at fair market value. This happens all across the State of Illinois. I'm trying to figure out what is so perplexing about this land... this particular parcel of land being leased at fair market value, why there's a big problem all of the sudden. This happens in Vermilion..."

Black: "All right. All right."

Dunkin: "...Decatur..."

Black: "Wait a minute. Wait a minute. I want you to get me in the next hour one example of leased land that has occurred between IDOT and a private company in Vermilion County. One example, that's all I want."

Dunkin: "I'm speaking of the state leases land all the time."

Black: "No, I don't think they do. And that's what I'm trying to get you to understand. This is a little different transaction than what usually happens. The state is... the state is a bunch of taxpayers. We're not some magic entity, we're not General Motors. We used tax money to buy this parcel and you are leasing and subleasing that parcel and I'm afraid that the true owners of the land will never

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

133rd Legislative Day

5/25/2004

be paid back for it. Are the lease payments gonna go to IDOT?"

Dunkin: "Representative, this is not transacted yet, this has not transpired. However, this... IDOT is looking to do this in the... in Lake County. If the state has an opportunity to lease land at fair market value, I think it's a good thing. It's better than having land sitting idle with no value or limited value, no proceeds coming in. I mean it's a win-win. Are you against jobs, Representative?"

Black: "You know, Representative, I resent that implication. I resent it and I expect an apology from you at some point before this week is over. That was an asinine statement made by a freshman Legislator who doesn't know better. It has nothing to do with jobs. And buddy, I've been down here fighting for jobs before you were out of grade school. Now, if you can't answer my questions or you don't wanna answer my questions, that's fine. And if you all in this chamber wanna vote for a lease deal on a parcel of land that you don't know what we paid for it in the first place, who gets the lease payment and whether the taxpayers are ever made whole, you go right ahead. But I'm not gonna argue with you anymore, Representative. and I want you to know, on the record, I resent that comment and I'll make you a dollar bet right now that the residents of my district resent it. It wasn't funny, it wasn't cute and if you think it was, shame on you."

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

133rd Legislative Day

5/25/2004

Speaker Hannig: "Any further discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Representative Dunkin."

Dunkin: "Before I speak on this Amendment, let me say this here. Representative Black, ya know, I have no intention whatsoever to insult you, embarrass you or your constituents and I apologize if you feel that way, on the record. You're a standup individual here in this chamber, many folk respect you as well. So, it's not my intention to be cute or to belittle any of your comments, et cetera. So, please accept my apologies. What we're simply trying to do here, Sir, is to allow the State of Illinois, one of its agencies, to lease a parcel of land that is not utilized, that's gonna bring more revenue in the State of Illinois and give a company in the City of Chicago that happens to be within my district an opportunity to expand its job base. And that's where we're going with this. There's no malintent. This is a pretty straightforward and open process. The State of Illinois, IDOT in particular, does it all over the state anyway. So, I don't know how we got off into this long diatribe of trying to justify why it is that this is such an issue when this has been going on for years, it's above water, it's legal and we're simply trying to utilize land that's not being taken advantage of at fair market value. Third Amendment. This third

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

133rd Legislative Day

5/25/2004

Amendment simply gives the leaser, or the City of Chicago, the opportunity to pay the State of Illinois fair market value. Not for \$1, not for \$10, but for fair market value."

Speaker Hannig: "The Gentleman has moved for the adoption of Amendment #3. Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. But notes have been filed on the Bill and not received."

Speaker Hannig: "Okay. So, Representative Dunkin, the Bill will remain on the Order of Second Reading because of some... because of requests for Fiscal Notes. So, you need to check with the Clerk, he can give you the details of what notes you need to get. Okay. So, that Bill remains on the Order of Second Reading. Now, Mr. Clerk, let's return to page 20 of the Calendar for Senate Bill 3111. Representative Reitz. Would you read the Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 3111, a Bill for an Act concerning animals. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Did you... did you want that to move to Third, Representative? Okay. Third Reading. Mr. Clerk, let's move that to the Order of Third Reading. And on page 19 of the Calendar is Senate Bill 2908. Representative Meyer. Would you read that Bill, Mr. Clerk?"

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

133rd Legislative Day

5/25/2004

Clerk Mahoney: "Senate Bill 2908, a Bill for an Act concerning financial regulation. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And now on the Order of Concurrence, on page 22 of the Calendar, is House Bill 622. Representative Grunloh. Okay. Let's... let's move on to House Bill 686. Representative Monique Davis. Representative Davis. Is the Lady in the chamber? Okay. Let's move on down the Calendar. Representative Miller. Representative Miller on House Bill 752. Okay. On the Order of Concurrence, page 23 on the Calendar, Representative Miller."

Miller: "Thank you, Ladies and Gentlemen, Members of the House. Thank you, Mr. Speaker. House Amendment 1 requires all children in kindergarten and second and sixth grade attends... who attends public or private schools to have a dental examination. This is an initiative through the Illinois State Dental Society and the Lieutenant Governor's Office. Also, what it includes is the fact that the examination has to be by a dentist by May 16th of that school year. The child needs to present proof that a dental examination that takes place within 60 days after May 18th required by the Department of Public Health by rule."

Speaker Hannig: "So, the Gentleman has moved that the House Concur in Senate Amendments #1, 2 and 3. And on that question, the Gentleman from Cook, Representative Parke."



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

133rd Legislative Day

5/25/2004

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

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

Parke: "Okay. Representative, let... let's get this straight.

Your Amendments 1, 2 and 3 say that every child, both parochial... private school and public school, has to have a dental exam. Is that right?"

Miller: "In... yes, in kindergarten, second and sixth grades only."

Parke: "And who's gonna pay for this?"

Miller: "Well, traditionally parents across the state do bring their child to the dentist, as you may or may not know. But if someone is not able to afford a dental examination the state already has monies allocated for those children who go see public aid. So, for instance, ya know, at one of my offices I used to see children on public assistance and the state would... the state, through a contract, it would pay... it would reimburse me."

Parke: "Now, let me get this straight also. It says here that if you do not have that marked on your report card that you could... your report card can be withheld from the student and the parent."

Miller: "Yeah..."

Parke: "Is that..."

Miller: "...that's an excellent point, Representative Parke. But the intention is not to penalize the school, and I wanna make the Members of this Body very clear on that. It was just to encourage that we, first, had to have some sense of a deadline date to have the examination. But the school,

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

133rd Legislative Day

5/25/2004

through... can decide on whether they want to hold that report card or not. And the second point I'd like to make is that fact that... is that the parent can have a waiver. So, for instance, if in areas that are underserved, that are no dentist around, that they don't have the financial means to make it, the school, in addition to the Department of Public Health, can set guidelines in which those waivers can be issued. So, the true intention of this legislation is not to penalize the school, but just to encourage parents and children the importance of dental care and the fact of the matter is that they need to see a dentist on a regular basis."

Parke: "Thank you. To the Bill. Ladies and Gentlemen of the House, I... I think that this legislation has some merit, but it does require... it's a mandate that every student in this state in grades kindergarten, first grade, entering fifth grade, entering ninth grade has to have a dental exam. Now, I certainly try to do that for my children, but this is mandating it and if you don't do it they're gonna hold the report card back from that parent and child. I think there's a problem here and it bothers me that it's a mandate. So, you have to decide whether or not you think this is something that you want to put on the people of the State of Illinois."

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

Giles: "Thank you, Mr. Speaker. To the Bill. This piece of legislation came through the Elementary & Secondary

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

133rd Legislative Day

5/25/2004

Education Committee and, as I stated in committee, I think this piece of legislation is long due. I think what... what... what the dentist is trying to do here is to say that we need to put a greater emphasis and highlight the issue that young individual at these very crucial ages they need to see the dentist, because if they do not they will have very chronic and very serious issues later on in life. And I think this piece of legislation addressed is not to punish any parent or child by not receiving their report card, but to... to bring light to 'em that they must adhere to a dental examination. I think this is the type of legislation that I'm proud to stand here and to support, because this is... this legislation brings substance. It's gonna actually do something for a young individual, it's going to set them on the right path that it is very important that they have dental examinations, that they have proper hygiene. And I wish I would've had this type of legislation coming up as a kid. There's many young individual, many kids that will... will... do not have the parental benefits of having a two parent in a home or a parent that understands the very importance of seeing a dentist. So, what we're trying to do is to... is to just simply push the envelope just a little bit more to get a lot of more of our young individuals to... to be a part of this process to get the examination and to address some of the problems. I think this is an excellent piece of legislation and I'm proud to support a piece of legislation such as this. Thank you."

Speaker Hannig: "The Lady from Will, Representative Kosel."

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

133rd Legislative Day

5/25/2004

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

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

Kosel: "Thank you. Obviously, with my name up on the board, I'm in support of this legislation. As many of you know, my family is deeply involved in dental health. But being involved in that has also taught me that many other conditions and health issues can result from poor dental health. This Bill is very important to make sure that the children of our state can learn properly so that they do not have problems that will literally cause very serious health conditions, not only in their future, as Representative Giles said, but as they go through grammar school and high school. I strongly support this Bill and would ask for a 'yes' vote from each and every Member on this floor. Thank you."

Speaker Hannig: "The Gentleman from McHenry, Representative Franks."

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

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

Franks: "Representative, I need some clarification on this, maybe you can help. Our analysis indicates that this Bill would require all children in kindergarten, second and sixth grade to undergo a dental examination. So, it'd be three times through sixth grade, correct?"

Miller: "Say the last part of your question."

Franks: "They have to have at least..."

Miller: "A dental examination..."

Franks: "...three dental examinations?"

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

133rd Legislative Day

5/25/2004

Miller: "...in kindergarten, second and sixth grade, that's correct."

Franks: "Okay. Right now, when kids go to school, are they required to have physical examinations?"

Miller: "Yeah, I believe so."

Franks: "Can you tell me how often they're required to have physical examinations?"

Miller: "Honestly, I don't know. But I would assume when they start school, first, and probably fifth and ninth grade."

Franks: "Yeah, 'cause I know my kids had to have physicals when they went into kindergarten, but I know they haven't been required to show that they've had to go to the dentist. And I think it's a pretty good idea what you're trying to do. But it looks to me as though you're... we're making this to be a higher level than for the physical examination. And I'm wondering if we... if we were gonna do this, wouldn't we wanna do it concurrently with the physical examination instead of having it to be a higher threshold?"

Miller: "Ya know, that's an excellent quest... question. The answer to that is, though, at these grades that's when... first off, many children have rapid decay and have it at an early age. So, I've seen numerous cases where children have many of their teeth, which have been there maybe only as little as three years, have tremendous decay. The second two grades are significant because that's when the first molars erupt. When the first molars erupt in a permanent dentation is a fact that sealant programs, which are a plastic coverings over the grooves of the teeth, can

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

133rd Legislative Day

5/25/2004

help prevent cavities in future... future years. So, we felt that it was very significant as the development of a child that's when their first molars... their first initial indication in diagnosis of a dentist will be able to see it and then when their first molars it would be a good indication too and then also as they get a little older their other molars and other teeth are erupting at that time. That's why it was at these levels."

Franks: "Okay. Thanks. I wanted... I wanted to understand why you had it there. I also see that there's... the Department of Public Health can establish, by rule, a waiver for those children who show an undue burden. Do you have any idea what that might be for legislative intent?"

Miller: "Yeah, absolutely. As a... a... money is an undue burden for somebody, ya know, may... financially may not have the expense if there's an area which... which there's a dentist nearby, but they can't afford it. Also, accessibility, there may be... I've heard stories of people scheduling months in advance before seeing a dentist. And so, that was another issue there. And so, I think schools are very sensitive to the fact that, ya know, some of the children may have difficulties in seeing a dentist. So with that known, we wanted to make sure that it really didn't penalize the child, but the scho... but the spirit of it was definitely go see a dentist at some point. So, those are some of the issues I felt were... that can be under a waiver provision."

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

133rd Legislative Day

5/25/2004

Franks: "'Cause I know I've got a heck of a time. I've been trying to get into my dentist. I made the mistake of changing my insurance on the state plan to go to one of their dentists and I've been able to get into there once this year and I can't get in again. And I can't tell you how frustrating that is. And I can imagine if I can't get in it must be very difficult for... for kids to get in as well. And I'm worried that these kids might not be able to get their report cards or have something held against them that has nothing to do with them."

Miller: "Well... and once again, it's 'may', the school 'may' hold the report card. But, once again, you've got to think about it when your child is going into the second grade usually you see or try to get your physical or your dental examination, your eyes checked prior to that. And so, they almost have an entire year through the entire process to try to get... to see a dentist. And this is just an examination. Plus, there are many dentist that do go into schools that do provide a dental examinations, cleaning, fluoride, some provide sealants. There are many programs, such as the Give Kids a Smile Day. As far as I know, Representative Yarbrough brought children to a local dentist in her area. I know there are many dentists in the Colgate Bright Smiles Program that has a van that does that. So, there are many different avenues which can bri... free dental examinations."

Franks: "I think... I think it's an important point, but I wanna make sure that there is some leeway because oftentimes it's

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

133rd Legislative Day

5/25/2004

difficult. And I... I think you brought up a good point, we're talking about these other programs. I... hopefully there'll be some pro bono work, some free work done. I know that dentists do that, a lot of them do. And I'd encourage them to do it for the kids who can't afford it because you made a very compelling argument of all the reasons why we have to have... why they should have three different examinations, but it doesn't do them any good if their... if they don't access to it. So, if they don't I'd certainly hope that there'd be some programs out there and maybe you could speak to that at a later time. But I understand what you're trying to do and I appreciate it."

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

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

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

Black: "Representative, in my legislative district... I'm comfortable saying this, one or two of the dentists in my district may disagree. But as a... as a matter of their practice, they do not take any Medicaid or public aid patients. They just don't do it. Now, in a district like mine that is largely rural the children who need the exam more than someone who goes to a dentist regularly are going to be given a waiver. We're not holding anybody's feet to the fire and we're not giving the child access to a dentist who may need it. I've seen... I've had people come into my office in the years I've been serving and I've had



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

133rd Legislative Day

5/25/2004

constituent problems where we had to get a teenager into a hospital to make... to... and spend a lot of money to cure an infection that could've been handled in a dentist chair for probably a couple hundred dollars. But when you live in a largely rural area where they do not take... and it's not that they're being selfish, it's the sheer number of people that they might have to include in their practice and there aren't enough dentists to go around. So, in a perfect world I'd vote for this in a heartbeat, but it isn't a perfect world. And my fear is the kids who need it the most won't get it, they get a waiver, but then they also, I'm afraid, will have to go through embarrassment. And you remember when you were in school, I remember when I was in school, kids who had bad teeth were referred to as snaggle tooth or whatever. Kids are cruel. So, when all is said and done, while I'd like to vote for the Bill I'm not sure it's... it addresses the very real problem that you've articulated in many of our districts. The kids who need it won't get it, they don't have access, they'll get a waiver. And yet going through the waiver may very well subject them to the teasing that young children are so good at doing."

Miller: "Well, I'd like to respond to that. I think a lot of children already are being teased who aren't going to the dentist for various reasons..."

Black: "That's true."

Miller: "...decay early on. And it's actually a self esteem problem. I've actually pulled out a toothpick... part of a toothpick on a child with an abscess on a lower molar. And

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

133rd Legislative Day

5/25/2004

the child was expected to perform in school. Now, that was... now the reason the child got into my office was because of one of these programs that went out to the schools that did screenings to... to... at that particular school. That child may have been going on for years or until the face swelled up, until it was an emergency situation at the hospital, which put... makes it a more financial burden, not particularly to that parent who may not pay, but to us as a society. And so, I can under... definitely understand a point of access. In fact, when we crafted this legislation we were very sensitive to the comments that got back to us saying that, well, I tried to schedule an appointment, it was almost a year later. And so we said, well, we understand because from the time a child is about to go to school most parents do start to schedule and there's usually in many medical or dental offices that's where you get a big rush towards school. So, therefore, we gave almost an entire year for somebody to go see a dentist. And even still their... ya know, they could say, well, that situation that you said, hey, look, we don't have the funds, there are no dentists around, the school screening program didn't work, none of the dentists wanna do it for free. Whatever the story may be, the school, I would think, would have some kind of sensitivity to that child to say, particularly if the child is having... having problems and the parent can demonstrate, well, ya know, Dr. Jones' office, ya know... ya know, 50 miles away outside Danville, we weren't able to see or we waited all

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

133rd Legislative Day

5/25/2004

day. I mean, that's a very real situation. And so, we didn't want to penalize the child nor the... but I think it's heading in the right direction for... for children to say that dentistry is important and the fact of the matter is dental care is a part of total health of a body and the fact that it does include others things as obesity and other things that we can get into. But I think that the access issue, I know the Illinois State Dental Society, Chicago Dental Society and local branches, whether it's in Lake County or the branches I belong to in Chicago or in downstate, Winnebago, whatever, it doesn't matter, whatever county does do access to care programs generally have these committees to understand this. I think this is... it attempts to put us in the right direction on an issue like this."

Black: "Well, thank you very much, Representative. I do appreciate your very candid comments and I appreciate what you're trying to do on the Bill. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "This is not an easy Bill to vote against. But most of us come down here and constituents ask us to make decisions that often aren't easy to make. I have to vote the simple reality of my district. I don't have a dentist in my dis... legislative district who will take a Medicaid patient. I can't, for the life of me, see giving a school district the ability to withhold a report card because some parent does not have the money or the means to take the... their child to

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

133rd Legislative Day

5/25/2004

a dentist. I don't think it's that parents don't want to, in many districts they simply cannot, they don't have access. There are people in my district, health care professionals, who are trying very hard to get a dental clinic setup that would travel around in Vermilion and Eastern Champaign County and see young people who need access to a dentist. Ya know, be very careful what you give schools the ability to do. Under Illinois Law, no child can go to school without a health record. And every year when school starts there are literally hundreds of children who are turned away at the schoolhouse door because they do not have their health records with them at that time. It largely impacts children who transfer, but it often, in my own hometown, has... it impacts children whose parents either cannot, have not been able to or for some reason don't get around to getting their health exam done and those children are denied access to school until they get that health card. And they are the children who can least afford to miss a day or a week or two weeks of school. I'm very, very careful when I cast my vote on what I give schools the right to do. Bureaucracies tend to focus on the letter of the law, and if that's what they do then they're going to deny children access and families to a report card and it will inevitably be children who should not be denied access to a report card on the basis that they don't have access to a dentist. This is a great idea, a phenomenal idea, but I don't know how it's gonna work in many areas throughout the state. And it's for that reason,

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

133rd Legislative Day

5/25/2004

not that I don't support the concept and not that I don't support Representative Miller, but I have to vote 'no'."

Speaker Hannig: "Representative Lang."

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

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

Lang: "Representative, I also think you have a great idea here, but one section of the Bill at least concerns me conceptually. You... you seem to indicate that you know that there's some families who cannot afford to send their kids for a dental examination and so you've given the department the opportunity to create rules to provide exemptions. But isn't it exactly those kids who really need the dental exams? The kids that can... who have families that can afford the dental exams are probably getting them anyway. So, aren't we to a point here where the very kids you really want to make sure have these exams may not get them?"

Miller: "No, I disagree. Like I said earlier in the case of... and I can site numerous cases in my office in which children who... who did not see a dentist, probably never seen a dentist have come to my office with horrendous dental problems, problems at the age of five years old that any Member of this chamber wouldn't be here if the pr... if they had the problems these children had. And the only way they were able to come in was because there was some type of screening program or some type of something awareness to them to see a dentist. The parent may not know. And so even if those... those children who do provide a waiver...

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

133rd Legislative Day

5/25/2004

because I can tell ya, one thing about it which I was really pleased to see was... was the fact that these screening programs did translate into children actually coming in to see the dentist, which is the ultimate goal. So, the awareness of the parent, awareness of the school, awareness of the teacher all came into affect at this time just from these programs. Annually, we do 'Give Kids A Smile Day'. Ya know, it gives tremendous public awareness to the... to the relationship with teeth as it relates to your oral health, and that message can't be said enough. The number one cause of children missing school is dental related. And so, when you talk about that those children are the ones getting the waiver, not all of 'em that are given the waiver will not be... not all of 'em, children who need the services, will be given a waiver. I truly believe that there are many children who will... who will have that awareness to say or will bring parents to say, hey, look, let's go to the dentist and take 'em in and ultimately be treated."

Lang: "Well, I think that was an excellent explanation, Representative, and I'm gonna support your Bill."

Miller: "Thank you."

Speaker Hannig: "Representative Eddy."

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

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

Eddy: "Representative, do you have any data to suggest what percentage of students who attend second... or enroll... attend second or sixth grade in the State of Illinois currently do

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

133rd Legislative Day

5/25/2004

not have, at some point even prior to that, kindergarten or fifth grade or some other time in their schooling, where they would naturally be going to get a dental exam because school districts, perhaps, also required those when they were requiring physicals?"

Miller: "Do I have a percentage? No, I don't have the percentage or a number."

Eddy: "If a school district has a local policy that requires at the kindergarten or first grade level or fifth grade level where the current law requires physical examinations and they also have a local policy that requires dental examinations, won't this then require those students to, by local policy, have one at kindergarten and/or first and then once again at second and then again, if they've had one at fifth because the local district requires it, it would also then require another exam at sixth?"

Miller: "Yeah, I understand that. I don't know how many districts... and I guess a rhetorical question would be... is how many districts require first graders or not on these years to have dental examinations? I don't know. But the point is is that I think even still practitioners... so, for instance, let's say somebody was in the their middle of their first grade year or even beginning of first grade year, then a lot of times what they'll do is they'll bring that child in and say, hey, I need a requirement, the dentist may take a look to see what's going on real quick and then sign off on a... on a dental examination form, a

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

133rd Legislative Day

5/25/2004

screening form. So, I don't think that's... I don't think really that's really a big issue."

Eddy: "Well, I can tell you a lot of school districts require dental exams and they do it based on the same type of... and it's because of the health exams that are already required. And I guess my concern would be if parents then would have a local requirement now and a second requirement. And I don't think that's your intention, but I think that..."

Miller: "No."

Eddy: "...that's something that may happen. What... what is..."

Miller: "Let me say this..."

Eddy: "...what is the..."

Miller: "...once again, that could be considered under the waiver process, if that being part of it. I certainly, as a member of JCAR... and I think going through that... that rule, that was an ex... that's an excellent point that you make. And I think, ya know, part of what the Illinois Department of Public Health and also with the school board administrations other that we work with an... so far is a fact that'd be a good point to bring up to see if something like that could be done."

Eddy: "Okay. I appreciate that."

Miller: "Yeah."

Eddy: "I just want to point that... What... what is a basic dental examination as defined by this Bill that would be required? Is there any definition? Is that going to be done through rules? Are there gonna be, in a basic exam, x-rays required? What... what... what is that...?"



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

133rd Legislative Day

5/25/2004

Miller: "No, typically a dental examination does not require a radiographic x-rays. Ya know, exam of oral tissues, exam of the soft tissues in the mouth and then see how the occlusion... in the... in the Chicago public school systems there's a standard dental form that is usually submissible, I think it's all across the state, in fact, that typically that we fill out to say, ya know, the child is okay, has problems, maybe cavities detected, maybe some bite problems, some growth problems, or everything may be fine as... as indicated."

Eddy: "And there's no requirement in this Bill for treatment, just for the examination for the initial exam?"

Miller: "No... no, that would be co... probably under Dental License Act, ya know, for a practitioner to do what they do."

Eddy: "What's the basic cost of a... of a dental exam like this?"

Miller: "Basic cost?"

Eddy: "The cost."

Miller: "That can range. Like I said, there are many that could be free and to... to, I don't know, \$50 it could be, it could just range to cost of examinations."

Eddy: "I have some of the same concerns that Representative Black does. I represent eight counties in a very rural area. And I do know that dentists in our area have discontinued the practice of accepting cards for this type of treatment, that they are... they are not working on... on that type of reimbursement basis. And my concern is that in many cases this is gonna be something that may replace a

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

133rd Legislative Day

5/25/2004

local mandate that could now not be followed simply because it's so permissive. There is nothing in this Bill that requires the student to have the exam. The only teeth in this is that the school district may withhold a report card. They don't have to."

Miller: "They don't have to. They don't... yeah, the... Representative, the... the school does not have to hold the report card. In fact, I would recommend it to be the... if there's no... if everything else has failed. And if there's, ya know, if there... there's no valid reason. I mean, that's..."

Eddy: "So, basically, a student... there's nothing that requires this examination besides the word because there's no real penalty necessary."

Miller: "That... that is correct."

Eddy: "One final question. What would you regard as acceptable notification to parents and guardians of this requirement? School districts notify parents in many different ways. Would you consider a note sent home with the... the students at that grade level 60 days prior proper notification?"

Miller: "Yeah, the... the way... the language in the Bill, a 60 day notice prior to May 15th will be issued, I mean, so a notice will be before that school year starts, before second grade. And then 60 days before May 15th if they haven't gotten it saying notify the student and parent either in written form or over the..."

Eddy: "That notification..."

Miller: "...phone or whatever."

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

133rd Legislative Day

5/25/2004

Eddy: "...is up to the school district?"

Miller: "Excuse me?"

Eddy: "How they noti... that notification, how that's made is up to the school district?"

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

Eddy: "It's totally up to the school district..."

Miller: "Yeah, yeah."

Eddy: "...how that notification is made?"

Miller: "Yeah, how that notification would be."

Eddy: "Thank you... thank you very much for answering my questions. Mr. Speaker, thank you."

Speaker Hannig: "Representative Joe Lyons."

Lyons, J: "Speaker, I move the previous question."

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

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to thank all the Members who had some questions and concerns. There's just a few sailing points I just wanna finalize with. The fact that I think this Bill... first off, dental examinations once in the states were... once in the State of Illinois was mandatory to be accepted into school. The provision of holding the report card is only if all else has failed. They may hold it. That is entirely up to the school district. But even the waiver provision will be worked out with the Illinois State Dental Society, Lieutenant Governor's Office and those

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

133rd Legislative Day

5/25/2004

interested parties, including the Department of Public Health. The last thing I'd like to point out is dental decay is the number one reason why children have missed school here in the state and just across the country. I would ask for a favorable vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments 1, 2 and 3 to House Bill 752. All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 83 voting 'yes' and 32 voting 'no'. And the House does concur in Senate Amendments 1, 2 and 3. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Grunloh, would you like us to concur in... would you like to concur in House Bill 622? Representative Grunloh."

Grunloh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 622 is the economic... the bonding authority Bill that came through the House a couple weeks ago, actually as House Bill 4532. The language has not changed at all. It remains the same. It was just put into a different Bill. I'd ask for an 'aye' vote."

Speaker Hannig: "The Gentleman moves that the House concur in Senate Amendment #2 to House Bill 622. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #2 to House Bill 622. All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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

133rd Legislative Day

5/25/2004

who wish? Mr. Clerk, take the record. On this question, there are 91 voting 'yes' and 23 voting 'no'. And the House does concur in Senate Amendment #2 to House Bill 622. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Davis, would you like us... would you like to concur in House Bill 686? Representative Monique Davis. Representative Monique Davis, you're up. You're up, Representative."

Davis, M.: "Thank you, Mr. Speaker. I move to concur with the Senate in House Bill 686. House Bill 686 is a Bill that passed out of this Body. It was 39-63. And it's a Bill that requires that clinical research that's supported by state funds would be... would always use the health and safety rules of the National Institute of Health Guidelines. Many of us know that when African Americans are ill or some other Latinos or sometimes women are hospitalized, they're in there longer because it takes longer to adjust the medicine. But if clinical trials used these groups whenever possible it would shorten many hospital visits. And I thank you for your previous support. I stand ready to answer questions."

Speaker Hannig: "The Lady moves that the House concur in Senate Amendment #2. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #2 to House Bill 686?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0

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

133rd Legislative Day

5/25/2004

voting 'no'. And the House does concur in Senate Amendment #2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Jerry Mitchell is recognized on House Bill 833. Representative Mitchell on the Motion to Concur."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 833 I move to Concur with. This is a... a Bill that was brought to me by the City of Dixon. They're having problems with people that refuse to pay for their garbage and it's privately owned. They are a tax cap community. What happens is they refuse to pay for the garbage, the piles up on the walkway and sooner or later someone complains to the Public Health Department that then gets on the city and it becomes a city problem. What they're asking for is the ability to shut off the water to an individual household if they refuse to pay for garbage service. This came out of the Senate with... with no dissenting votes. No one is opposed to this Bill that I know of, I'd be happy with a... move to Concur. Thank you very much."

Speaker Hannig: "The Gentleman moves to Concur in Senate Amendment #1. Is there any discussion? The Lady from Cook, Representative Rosemary Mulligan."

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

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

Mulligan: "Representative Mitchell, it allows the municipality to stop picking it up if they have not paid their bills?"

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

133rd Legislative Day

5/25/2004

Mitchell, J.: "No, I think that analysis has been changed, I don't know if it's am... amended on your... your comp... computer, the first analysis said that. The... the garbage handler is private in his contract. They stop picking up the garbage if someone doesn't pay, now. And then what happens is the individual homeowner continues to stack the garbage on the walkway or somewhere, it winds up with a city problem that subcontracted that to the private hauler. The Public Health Department comes back to the city and then tells them its their problem, so it costs the city to get rid of the garbage. What they want to do is to be able to shut off the water to that particular household if they refuse to pay for their garbage to be picked up, so it's no longer a city problem."

Mulligan: "Okay."

Mitchell, J.: "I was suggested by several different people of other ways to handle this, but we're a tax cap community there now and there's no way to levy extra funds or any... any of that nature."

Mulligan: "All right, my only concern... my only concern about this was if you weren't gonna pick up the garbage for the neighbors, but what you're doing is you're shutting off the water until they pay their bill?"

Mitchell, J.: "That's correct. Only to... only the household that refuses to pay it, not... I mean, the neighbors will still be picked up."

Mulligan: "But someone would continue to pick up the garbage?"

Mitchell, J.: "Yes."

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

133rd Legislative Day

5/25/2004

Mulligan: "You would just charge them back for it."

Mitchell, J.: "That's correct."

Mulligan: "Okay, thank you."

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

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

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

Fritchey: "Representative, according to our analysis, this Bill  
was brought by the City of Dixon, is that correct?"

Mitchell, J.: "It's their initiative, you're right, John."

Fritchey: "And the waste hauler in the City of Dixon is a  
private waste hauler, is that correct?"

Mitchell, J.: "Yes, it's a subcontract with a private waste  
hauler."

Fritchey: "But it... but we are not talking about public waste  
pickup is a private contractor."

Mitchell, J.: "That's correct."

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

Speaker Hannig: "To the Bill."

Fritchey: "Ladies and Gentlemen... and the Sponsor's one of the  
best Legislators we have down here, whatever you're gonna  
do with this Bill, pay close attention to what it is we're  
dealing with here. You are giving a municipality the  
ability to cut off water service to local residents because  
of non payment in a private contract. This is a private  
collector who has monies due and rather than go through the  
remedies of any other private business to try to collect  
those fees that are due from a client, they are going to go



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

133rd Legislative Day

5/25/2004

and shut off the water to a homeowner. If you think that's okay, that's fine, but this is a Bill that can slide through very quietly normally. But it sets a horrendous precedent, I believe. Obviously, no disrespect intended to the Sponsor, but... but... but to... but to let a municipality cut water, cut essential services off to a home owner because they owe money to a private entity is a very, very dangerous precedent for us to set. Think very carefully before you vote on this Bill. Thank you."

Speaker Hannig: "Representative Mathias."

Mathias: "Will the Representative yield?"

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

Mathias: "Representative, are there any other alternatives that the municipality can take in order to enforce this? In other words, aren't there health codes if this person... garbage is piling up and, you know, that's one of the problems with... you know, what you're trying to take care of, couldn't the municipality, just like they do if somebody doesn't cut their grass, couldn't the municipality take care of it and then put a lien against the house or find them in violation of an ordinance?"

Mitchell, J.: "Sid, I don't know how you could put a loan against a house... a lien against the house if it's a rental property or a trailer or that nature. The problem that the city has is it becomes a city problem once the Public Health Department gets involved. They have tried that, they've tried to collect the money themselves. All of these things cost the city money, the private waste hauler

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

133rd Legislative Day

5/25/2004

just simply stops picking it up. Now, you know, it... it... it's not just a private problem once the garbage begins to pick up, it's a health hazard and the city then has to deal with it as... as an administration, as a municipality. They're frustrated with the fact that all of their attempts, at this point, have fallen on deaf ears."

Mathias: "And if this doesn't work and the municipality has their own, let's say, electric company, can they next turn off the person's electricity if the water didn't work?"

Mitchell, J.: "Well, Representative, they can only turn off the water because that's all the latitude we're giving them. They would have to come back to the General Assembly for that... that right. Each of these things are handled individually."

Mathias: "So, if the water doesn't work you'll be back next session trying to cut off their electricity?"

Mitchell, J.: "I certainly hope not, Representative."

Mathias: "I... I just have some problem also, as... Representative Fritchey mentioned, cutting off somebody's water, which then could become a life safety issue for the people living in the house in order to try to collect a garbage bill, which is a health hazard, I... I... I grant you that. But I think the municipality should have some other means to try to collect this without shutting off somebody's water. If they didn't pay the water bill, I could understand that, that's..."

Mitchell, J.: "That would still be life threatening. I mean, it's the same argument, you know. If you don't pay your

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

133rd Legislative Day

5/25/2004

water bill, if I shut it off it's life threatening. Garbage collect... or garbage being piled up is also a health hazard. I... you know, every time I come up with a 'what if', the city comes back to me saying we tried that, you know, but 'what if' this happens. So, I think it's a remedy that... that certainly could work. Again, you're dealing with a service that's needed in the home. As far as they're concerned, garbage... they don't seem to care, at least some. And it's not a whole lot, it's a few people, but they don't seem to care whether they pay for that or not. But it becomes a problem for the entire community, especially in that neighborhood. So, it... it... all those frustration. The former Representative said we're... we're collecting money for a private waste hauler. Well, by the time it gets to be a city problem, that's not the way it's looked at. The waste hauler, they don't... you know, once they're not paid for the service they render, they simply stop the service. That doesn't stop the problem for the city nor the people in the neighborhood."

Mathias: "All right. I certainly understand, it just, you know, this could be a family situation, there could be young children there, I just... just have some concerns, shutting off somebody's water when the water really has nothing to do with the service that was provided that isn't being paid for and that it could lead, again, to other bills deciding to cut off their electricity or evict them or do something else fro non payment of... of a bill. Thank you."

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

133rd Legislative Day

5/25/2004

Mitchell, J.: "Evicting them wouldn't be a good idea if they're not gonna pay for their garbage, Sid."

Speaker Hannig: "Representative Lang."

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

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

Lang: "Representative, as I understand the Bill, this would enable the municipality to cut off more than just the trash removal service for not paying for the... paying for the trash removal, is that correct?"

Mitchell, J.: "Well, the... the trash removal service is already cut off. That's the first... that's first line and that's done by... by... the subcontractor of the city, the private waste hauler. They stop that, but that doesn't stop the garbage from... from piling up."

Lang: "Well, I... I'm not sure so maybe you could tell me what the public policy reason would be behind, for instance, shutting off someone's water because they haven't paid for their garbage bill."

Mitchell, J.: "Well, Representative, the public policy simply is a health hazard to the residents of the neighborhood, the community at large. Once the Public Health Department gets involved, they go back to the city saying, 'You gotta do something with it', then it costs the city. They're on a limited budget, they're frustrated with the fact that they can't get the homeowner to pay the bill and the garbage is still there and it effects everyone in the neighborhood."

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

133rd Legislative Day

5/25/2004

Lang: "Well, are you proposing the reverse also that if someone doesn't pay their water bill you'll stop collecting their garbage?"

Mitchell, J.: "Well, certainly not in this Bill. I think what happens there is, again, the water's shut off."

Lang: "Isn't that a public health hazard to have a home in a community without water?"

Mitchell, J.: "Absolutely."

Lang: "And isn't it also a public health hazard that is created by the municipality. They chose not to pick up the garbage. Yes, it's for a reason, but if you don't pick up the garbage and then you say, 'Well, it's a public health hazard because we didn't pick up the garbage, so now we're gonna cut off your water', what have we accomplished?"

Mitchell, J.: "But, Representative, it's not the city's responsibility since it's subcom... contractor or private contractor, and what they could go back to the private contractor and say, 'You've gotta pick it up.' We don't have a Bill to cover that either. So, it... they're kind of in a... in a lose, lose situation with this... with this whole problem. And it's the small communities that seem to have this problem."

Lang: "So, these are... the people that are supposed to paid in the initial stage here is a subcontractor. So, the municipality contracts with a private garbage collector, and when the private garbage collector doesn't get paid, they stop picking up the garbage."

Mitchell, J.: "That's correct."

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

133rd Legislative Day

5/25/2004

Lang: "And when the garbage doesn't get picked up the municipality says, 'Whoa, this garbage is piling up. It's a public health hazard and so we're gonna stop sending you your... we're gonna shut off your water.' That's what this Bill does."

Mitchell, J.: "Until you pay for the service that you've signed up for. That's correct."

Lang: "Does it allow for... well, who collects it then? Who collects the money?"

Mitchell, J.: "I would imagine by that time it's probably... you know, I really don't know, whether it would... I... I imagine they'd have to settle their account with the private contractor."

Lang: "But, you don't know, it's not in the Bill."

Mitchell, J.: "No, it's not in the Bill."

Lang: "What mechanism is in the Bill for people to get their water turned back on when they agree to pay the... for the garbage collection?"

Mitchell, J.: "Within the... within the... the Bill itself, there are notifications that let the homeowner know what actions will be taken if they don't settle with the private contractor. That's all been upfront before any action is taken. Once the action is taken then they have to settle with the private contractor, get the garbage picked up and then their water's turned back on."

Lang: "So, when they settle with the private contractor, what provisions are in the Bill for returning and restoring the

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

133rd Legislative Day

5/25/2004

water service to the homeowner? Within "x" period of days, what document is delivered, what mechanism is in the Bill?"

Mitchell, J.: "What noti... the notification from the private waste hauler to the city then allows the water to be turned back on."

Lang: "And is there something in the Bill that says that that notification has to be given within 10 days or 14 days or 30 days? Is there some provision that requires that private contractor to notify the municipality within the given period of time?"

Mitchell, J.: "Could you repeat your question, Representative?"

Lang: "That's all right. Yeah, is there something in the Bill... I'll let me just talk to staff, you just move aside, Representative. Is there something... give him the microphone, if you would. Is there something in the Bill that puts a mechanism in place for the private contractor to notify the municipality, 'Hey, turn this guys water back on?' I believe the answer to the question is 'no'. And while you're looking, I would submit that if the answer is 'no' the Bill is flawed, because this is a private contractor if it's not government. And if we're relying on a private business to tell the government when to turn somebody's water back on, aren't we de... depriving someone of their water without, in essence, due process of law?"

Mitchell, J.: "Well, in... in small town I... I can guarantee you that would not happen because those people would be at city hall immediately with that bill saying, 'Look, this is paid, turn my water on.'"

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

133rd Legislative Day

5/25/2004

Lang: "But there is no mechanism in the Bill. Is that correct?"

Mitchell, J.: "Correct."

Lang: "All right. To the Bill. Thank you, Representative. I understand what the Representative's trying to do, but shutting off someone's water because a private company stopped picking up their trash doesn't make any sense. This... this is a punishment that doesn't fit the crime. Additionally, there's no mechanism in this Bill to get the water turned back on. It doesn't say that that private contractor, upon being paid or upon making a payment arrangement with an individual homeowner, must tell the municipality within a certain number of days. So, we could have an open-ended turn off of water. Yes, after some period of time a... an aggrieved homeowner is going to go into the municipality and say, 'Hey, here's my paid Bill, turn on my water.' But what if the person is infirm, what if the person is a senior and can't get out? What if they're in a wheelchair, what if they have some other disability? This Bill, as it sits now, is simply a hammer. And it's a hammer without remedy. If the Representative had a remedy in the Bill, if he wanted to send this into a conference committee and try to create a remedy, some of us would be willing to work with him. But there's no real remedy for homeowners in this Bill. And so, because a private company that isn't the municipality has chosen to stop picking up a homeowner's garbage, the municipality may



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

133rd Legislative Day

5/25/2004

turn that person's water off indefinitely. And because of that, I think we should be voting against the Motion."

Speaker Hannig: "Representative Holbrook."

Holbrook: "I move the previous question."

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

Mitchell, J.: "Thank you, Mr. Speaker. Previously, to the Gentleman's concern, it is in the Bill. The remedy is in the Bill, it simply says, that if, in fact, the water is shut off after notice is given, the water will be turned on as soon as notice is given back that the garbage service has been restored and the bill has been paid. So, the remedy is in the Bill. I apologize to the Representative for not having it on my fingertips, but it is in the Bill, page 7, line 6 and 7. This is a simple solution for a community that's very frustrated and have worked with this problem in every way they could think of. It's not that much of a hammer and it doesn't happen that often. But it was... when it does happen, it's a severe problem for the entire neighborhood, not just the people that say, 'Hey, I'm not gonna pay the bill. What are they gonna do?' We're trying to give them a remedy. If it doesn't work, we can always come back and revisit the issue. I would like a 'yes' vote. Thank you very much."

Speaker Hannig: "The question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 833?' All in favor vote

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

133rd Legislative Day

5/25/2004

'aye'; opposed 'nay'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 56 voting 'yes' and 52 voting 'no'. The Motion fails, Representative. Representative, you can file another Motion. On page 24 of the Calendar is... on the Order of Concurrence, is House Bill 956. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I move that House concur in Senate Amendment 1 to House Bill 956. This is an issue involving the Freedom of Information Act. Currently, there is no statute of limitations under which somebody could file suit if a public body denied a request for information under FOIA. This imposes a 60-day time limit after the final interior... internal appeal has been denied for someone to file suit. I know of no opposition and I'd appreciate your support for this clarification and streamlining of the freedom of information process. I'm sorry, the Motion was to Concur in Senate Amendments 1 and 2."

Speaker Hannig: "The Lady moves that the House concur in Senate Amendments 1 and 2 to House Bill 956. Is there any discussion? Then the question is, 'Shall the House Concur in Senate Amendments 1 and 2 to House Bill 956?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'.

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

133rd Legislative Day

5/25/2004

And the House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 25 of the Calendar is House Bill 2572. Representative Saviano. The Gentleman wish to move on that Bill? Okay. How about on page 25 of the Calendar, Representative Dugan, would you like us to move on House Bill 3882? The Lady from Kankakee, Representative Dugan."

Dugan: "Thank you, Speaker, Ladies and Gentlemen of the House. I Motion to Concur with Senate Amendment #1 to House Bill 3882. What it does is it removes the controlled substance arson and controlled substance... aggravated controlled substance arsons from the list of forcible felony offenses. I'll answer any questions."

Speaker Hannig: "The Lady moves that this House concur in Senate Amendment #1 to House Bill 3882. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3882?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1 to House Bill 3882. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, let us return to House Bill 2572. Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I move to concur with Senate Amendment #1 to House Bill 2572.

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

133rd Legislative Day

5/25/2004

Senate Amendment #1 becomes the Bill. This is simply... what this actually does is... we've been working on this for a couple of years. This Bill, now amended, with the help of the Illinois Cemetery Association, Illinois Funeral Director's Association, the Comptroller's Office, all parties concerned, we worked out this agreement... and also the Jewish Federation, to allow cemeteries to protect the integrity of their plots. There's... there's a very detailed process involved in this. We worked everything out and... and I think it's something that you don't really wanna deal with on a day-to-day basis. But it's important that we did and I applaud all the groups and I ask that we concur with Senate Amendment #1 to House Bill 2572."

Speaker Hannig: "The Gentleman moves that the House concur in Senate Amendment #1 to House Bill 2572. Is there any discussion? Then the question is, 'Shall the... Shall the House concur in Senate Amendment #1 to House Bill 2572?' All those in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1 to House Bill 2572. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Froehlich, would you like us to proceed on House Bill 4012? Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. House... I move that we concur with Senate Reso... Amendment 1 to House Bill 4012.

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

133rd Legislative Day

5/25/2004

This is a Bill that got 113 votes here just a few weeks ago. The Senate Amendment strengthens it, further defines the purpose of the Bill. And I would ask that my colleagues, once again, vote for House Bill 4012."

Speaker Hannig: "The Gentleman moves that the House concur in Senate Amendment #1. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, we just heard this Amendment in Transportation Committee this morning. Is there lang... specific language in the Bill that states a law enforcement officer must be present or must actually operate the automated camera or whatever other system they use?"

Froehlich: "No, the... the language simply says that the State Police will establish this system, that State Police will do it."

Black: "Is there specific language in the Bill that clearly states a State Trooper must operate the equipment or be present when the equipment is operating?"

Froehlich: "No, there's no specific language that states that. However, not being an attorney, I still think there could be a problem in court when it comes to testimony. You'd still need testimony to find somebody guilty of a traffic ticket. And practically speaking, the courts may require that a police officer or at least a qualified technician be present when the systems are in operation."

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

133rd Legislative Day

5/25/2004

Black: "All right. But the... in the absence of specific language, then it... it might be possible that a highway maintainer or a flagger or someone working in the construction zone could, I suppose, be responsible for the automated equipment, correct?"

Froehlich: "I... I would doubt that highly. I... that's not how I've seen the systems be used elsewhere, and I doubt the State Police are gonna turn over their equipment to people who aren't part of the State Police."

Black: "Well, since it's an automated system, I assume that it's not your intent that the trooper go after the violator. I mean, the trooper isn't gonna move, or whoever's operating the system. The camera's gonna take a picture and then the camera becomes the enforcement mechanism, correct?"

Froehlich: "The camera gathers the evidence. That's right."

Black: "Okay. So... so the trooper isn't gonna go chase somebody. So, it would be possible, as these cameras are used in... under pilot projects at high accident traffic intersections, I believe, in the City of Chicago, they could, as memory serves, those are just set up and... and they, you know, that's why they're called a cop in the box. Nobody's there, the camera just works, calibrated with the yellow and red light. And in the absence of any specific language, I'm just a... I'm trying to figure out why... why would we want a trooper, since we're so understaffed, why would we want a trooper just sitting there watching a camera or other remote controlled device work? The trooper

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

133rd Legislative Day

5/25/2004

may be better off out on patrol or... or looking for a DUI or something of that sort."

Froehlich: "Well, what you have is somebody who can testify as to the operation of the system and that it... it properly operated at a certain location. Remember, this one trooper will be involved with, potentially, the generation of what could be scores of tickets, maybe hundreds of tickets, depending on the location. So, his... his time actually would be highly productive using this technology."

Black: "But the trooper, as I understand this technology... and bare with me, I'm not a member of the technologically astute, I'm technologically challenged, okay. At my age, I got through college without a laptop, they haven't even been... they hadn't been invented yet. The trooper doesn't activate it, it's activated by some kind of laser or electric eye, the trooper will not actually, physically activate the camera. Isn't that the beauty of this system?"

Froehlich: "That's right. Once... once the system is actually turned on, that's correct."

Black: "Okay. I notice... and forgive me, this is a question that I don't expect you to have the answer to, but I'm trying to figure out why there we so many 'no' votes in the Senate. I mean, is it... is it just based on the fact that it's technology and... and some people don't think we ought to be turning that over to a... a technological system rather than a people system or... I mean, it got 21 'no' votes and I'm trying to figure out why."

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

133rd Legislative Day

5/25/2004

Froehlich: "Well, I... I happened to walk over during the debate and I can tell 'ya, I thought there were some misconceptions by some of the opponents in the Senate debate. And I was still happy there were 36 'yes' votes."

Black: "Okay. Thank you, Representative. Mr. Speaker, to the Bill. I... I appreciate the Gentleman's straightforward answers to questions. I... that... that's very much appreciated. I... I intend to vote 'aye' for the Bill. I don't like the Bill, I'm not comfortable with the Bill. But the fact is, the Sponsor has worked very diligently to try and put safeguards in the Bill and I... I don't have any other solution. We've tried everything. We've tried increased fines, we've tried hire backs, we've tried everything we can think of to get people to slow down in construction zones. We've increased the fine and yet people continue to die. I... I just am not comfortable with a cop in a box, I'm not comfortable with a camera, but I can't figure out what else to do. So, I'm gonna vote a reluctant 'yes' and maybe technology will put fear into the hearts of drivers who don't seem to pay any attention to human flaggers, they don't seem to pay attention to over-sized signs, they don't seem to pay attention to increased fines, maybe this is the answer. I... I didn't think I'd live long enough to see 'Big Brother', but I guess it's here. Thank you."

Speaker Hannig: "Representative Lang."

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

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



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

133rd Legislative Day

5/25/2004

Lang: "Representative, I am also concerned about this issue. There's a lot of people injured, dying, but I have some technical issues about the Bill. So, as I understand it, these pictures will be taken of the front of the vehicle, is that correct?"

Froehlich: "There would probably be a front and rear picture. So, since some... some vehicles don't have a front plate, despite the law."

Lang: "Well, will the technology be set up? Is it your legislative intent that pictures be taken from the front and the rear? Because, as you know, from the front, sometimes there's no plate at all."

Froehlich: "That's right."

Lang: "And in the rear you can't identify the driver."

Froehlich: "That's correct. So, you need two cam... two pictures. Correct."

Lang: "But, your Bill doesn't say that."

Froehlich: "No. However, because the Bill does say you have to be able to identify the driver, the, you know, practically speaking, they're gonna have to do two. You couldn't identify the driver if you have a picture but not a plate."

Lang: "Well, but the technology that's gonna take this picture doesn't know that as the car comes whizzing by. So, it has to be set up in advance to take front and rear pictures, does it not?"

Froehlich: "That's right."

Lang: "Though it can't... it can't decide, 'oh, on this one I can take a front picture.'"

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

133rd Legislative Day

5/25/2004

Froehlich: "No, that's correct 'cause the system would only be activated when it detects a violator."

Lang: "And so... all right. So, I think that's a minor flaw in the Bill. I don't know what to do about it at this point, it's here on concurrence. But I do think it's a flaw in the Bill. If you don't take the pictures from both sides you don't accomplish your mission here. The next issue would be relative to the identification of the driver, how does that get accomplished? Does your Bill specify the mechanism under which we will then identify the drivers? I assume we have a... if we have the license plate and the make of the car, we see the car, we go to that per... the person that's the registered owner and they say that's not me and then what happens?"

Froehlich: "Well, they could do that, although the experience elsewhere where these systems are used is that between 80 and 90 percent of the time it is a registered owner who's driving. Okay. Remember, almost all drivers now, if we have a license, our digital image is in the Secretary of State driver's license system. State Police has direct access to that database. So, it's not hard for State Police to call up the digital image of somebody, say a registered owner of a vehicle, and see if that resembles the person driving during the time of the offense. Typically, when the... when the registered owner is shown the picture, if it is him or her, typically that argument stops. They don't try and argue, it's just somebody else

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

133rd Legislative Day

5/25/2004

who looks a lot like them that was driving their car at the time."

Lang: "Let's leave aside for a moment how much these... this technology will cost, because I think we all believe it's worthwhile. But what about the cost... did the State Police talk to you about the cost of the investigations subsequent to the pictures being taken? They have to send a certain number of men and women... women troopers out to a certain number of homes to... to provide citations to a certain number of people, that will take them off the streets and it will require more personnel, I would presume."

Froehlich: "The... the staffing would be done... it would not involve sending people to homes to investigate. You can do this in front of a computer monitor. You... you look at the plate. You look at the picture. You call up a digital image and you... if you believe the evidence is sufficient, you send out a ticket by mail."

Lang: "And so, based on this picture and an image, the State... State Police is going to, without talking to the person, just send them a citation in the mail?"

Froehlich: "Based on the evidence, if they feel it meets the standard approve, you would then send out the citation that would notify the accused that he or she has the option to, you know, fight... fight it in court or pay the ticket."

Lang: "Well, who's going to make that decision at the Office of the State Police as to whether the person driving the vehicle and the owner are the same person?"

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

133rd Legislative Day

5/25/2004

Froehlich: "It would be the State Police personnel who are assigned to work on this project who would make that decision."

Lang: "Is there something in your Bill that requires that they be trained in photographic evidence?"

Froehlich: "No. However, remember, State Police have been using the digital images now since 1999. So, they've already got some experience in that regard. I'm also confident State Police are going to make sure the people they have working on this have the needed... the needed training to do the job right."

Lang: "One other question, Representative. If the goal here is not to punish but to slow people down in work zones, is it your intention, is it in the Bill that there be signs posted outside of each construction zone where these..."

Froehlich: "Yes."

Lang: "Where this technology's taking place saying, 'Warning, your picture may be taken if you speed?'"

Froehlich: "Yes. The Bill specifically requires prominent signs by every construction zone where this system is used. Absolutely. It also requires State Police, before they begin issuing tickets, to conduct a public education program to notify the public so we can better deter the behavior we're trying to stop."

Lang: "And would these signs specifically refer to pictures being taken?"

Froehlich: "It will tell them that photo enforcement is being used, yes."

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

133rd Legislative Day

5/25/2004

Lang: "Thank you. I'll support your Bill, Representative."

Froehlich: "Thank you."

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

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

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

Rose: "Where are the signs gonna be placed?"

Froehlich: "The signs would be placed around construction  
zones."

Rose: "Okay. Ladies and Gentlemen... To the Bill, Mr. Speaker.  
Ladies and Gentlemen, well intentioned as this is, as a  
prosecutor who spent a year and a half in traffic court, I  
don't think this is enforceable, practically speaking. To  
prove a case, you'd have to have the sign posted, you'd  
have to have the speed there. But the key component is the  
worker would have to be in what's called close enough  
proximity so as to present a potential hazard. I don't  
know how you're gonna get a picture that accomplishes all  
those elements of the offense in one picture. Frankly,  
even if you had a picture with a worker in it, I'm not sure  
what that necessarily proves in terms of potential hazard.  
I... I appreciate the Sponsor and I know you and I have had  
several discussions on this, Representative. I appreciate  
your passion. I know this is something you truly believe  
in. I know that this is probably gonna fly out of here 118  
to nothing, but I just think it's a practical matter.  
There's no way in heck that any of the prosecutors are

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

133rd Legislative Day

5/25/2004

gonna be able to prove these cases. So, those are my comments. Thank you."

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

Molaro: "I'll be... I'll be real quick. I... I've never voted for any of these things, I'm like the Reverend Dr. Black when it comes to speaking about, you know, this cop in a box. I don't know where we're going with this. However, I like the part that Lou Lang just talked about when he said you put this big sign up there. You know, I'm gonna vote 'yes' also and I'm looking for my reluctant 'yes' button. Apparently we don't have one, so I guess I'm gonna have it vote 'green'. I... I just don't... actually, like it's... you know, those state trooper cars that they leave out there without the state trooper, I'm voting for this Bill just so these big signs may stop somebody. And I believe what Representative Rose said, and he's an able prosecutor. And I've been trying to get people out of those tickets for the last three and a half years as a defense attorney. But, that being said, I just hope that these signs slow it down. These workers deserve a break, no pun intended. And hopefully, just those signs will stop... I hope they never enforce it, but I'm gonna vote 'yes' for that reason and because you're a great Sponsor. Thank you."

Speaker Hannig: "Representative Froehlich to close."

Froehlich: "Yes, Ladies and Gentlemen, this Bill will save lives. We will make it safer for the men and women who

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

133rd Legislative Day

5/25/2004

work in highway construction zones. I ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4012?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes' and 8 voting 'no'. And the House does concur to Senate Amendment #1 to House Bill 4012. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Boland, for what reason do you rise?"

Boland: "Thank you, Mr. Speaker. My switch was not working on House Bill 3882. I would like to be recorded as a 'yes'."

Speaker Hannig: "The record will reflect your intentions. Representative Aguilar, are you prepared for House Bill 4108? The Gentleman from Cook, Representative Aguilar."

Aguilar: "Thank you, Mr. Speaker. I'd like to... concurrence for House Bill... for House Bill 4108. This Bill would create a new unit of government in several communities to help create a plan of handle flooding problems. It passes through the House 108 to 9. The effected communities will be appointed by the board members, not the Governor. The commissioners terms will be staggered instead of all appointments being up at the same time. The leaders of the commission would not be entitled to any special compensation, they will have to serve as volunteers. And the commission will not have the powers to borrow money,

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

133rd Legislative Day

5/25/2004

the commission will not have eminent domain or quick-take powers and the commission will be automatically repealed in the year 2010. I ask for a favorable vote. Thank you very much."

Speaker Hannig: "The Gentleman asks that the House concur in Senate Amendment #1. Is there any discussion? Then the question is, 'Shall the House concur on Senate Amendment #1 to House Bill 4108?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Davis, Will Davis, are you ready on House Bill 4280? The Gentleman from Cook, Representative Davis."

Davis, W.: "Thank you, Mr. Speaker. I move that the House concur with Senate Amendments 1 and 2 with House Bill 4280. Senate Amendment #2 becomes the Bill and it addresses some of the due process concerns by requiring a municipality to first provide the property owner with a public hearing before a hearing officer of court... circuit judge can... they can rule. And then to obtain a lien prior to the collection of an overdue cleanup cost, before it becomes a special assessment, and then once these costs are paid, the lien is removed. I know there was some concern in committee this morning regarding both of the Amendments. Unfortunately, because Senate Amendment #1 was not tabled



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

133rd Legislative Day

5/25/2004

or rescinded and subsequently passed, we have to deal with both of the Amendments. And essentially, Amendment #2 becomes the Bill and ultimately negates Senate Amendment #1. So, I ask for concurrence on House Bill 4280."

Speaker Hannig: "The Gentleman moves that the House concur in Senate Amendments #1 and 2. And on that question, Representative Black."

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

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

Black: "Representative, this... I have a thing about property taxes, and I've put my vote where that thing is many times. And I'm really concerned about this Bill, even with the Amendment. Most cities will put a lien on the property so that when the property is sold, they can recover some of the costs. My concern is this Bill would add to the property tax bill of the property. That... now, I may be wrong, forgive me if I am. That... that's quite a change in public policy. I mean, we we're putting a fine on a person's property tax bill if they didn't cut their grass, if the city had to... or, in Representative Mitchell's case, not too long ago, they don't pay to have their garbage picked up so the city or the municipality or the township or whatever it might be picks up the garbage at... at expense. And the general practice has been, okay, we're gonna put a lien on your property. We're gonna try everything we can to get that money back. But this Bill allows you to put a special assessment on the property tax

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

133rd Legislative Day

5/25/2004

bill. I have a concern about that, but let... let me ask a specific question. Is there any limit to the property tax bill that would be placed on the property? Is it a hundred dollar limit or does it just... whatever is assessed?"

Davis, W.: "Well, I... I think it's whatever is assessed, based on whatever that particular fine is. But let me say, Representative, is that your concern came out much earlier in this discussion. And versus it automatically becoming a special assessment, the Amendment turned it into a lien and, essentially, the language says that it 'may be' then collected as a special assessment. So, it's not an automatic process by any means that it would become a special assessment. The objective, though, is to try and to get the... the fines paid so that the municipalities will receive their revenue. So, to hopefully address that particular concern that you mentioned, the... the language, through the Amendments, said that it would become a lien first and then may become a special assessment. So, it's not by an... by any means an automatic process."

Black: "All right. That, I assume, is in the Senate Amendment that you're concurring with, that language?"

Davis, W.: "Yes, Sir."

Black: "What... what prevents a city from potentially becoming a bully and just say, 'Look, if you don't comply, we're gonna put a \$250 property tax assessment on your property tax?' What's the safeguard to the property owner?"

Davis, W.: "Well, again, there is... there is a due process clause in there as well that, as I... as I read, there's a...

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

133rd Legislative Day

5/25/2004

that they would... there would be a public hearing before a hearing officer or a Circuit Court judge. So, there is a... there is a due process in Senate Amendment #2 to try to... to try to alleviate this problem before it gets to that point. I would certainly like to think that a municipality is not going to become a bully and try to do it that way. But the objective here is that if a property owner is being delinquent or... or not doing what they... what they should do as a property owner, that the municipality has some recourse to try to either get them to comply and... and get those fee... and get those fines."

Black: "Well, Representative, as always, you do an excellent job of... of explaining what I think is a relatively complicated Bill, and you've certainly done a good job of explaining it. And I appreciate... you're always willing to explain a Bill right up front and then people can make up their mind, I do appreciate that. I... Mr. Speaker, I rise reluctantly in opposition to the Bill. I... I think the Gentleman has worked very hard to put safeguards in this Bill. But Ladies and Gentlemen of the House, you... your... if you vote for this, you're making a substantial change in... in public policy. I don't have any problems with fines, I don't have a problem with a lien, I don't have a problem... and as... as Representative Mitchell found out awhile ago, sometimes you can't get enough support to turn off their water if they don't pay certain fees and charges. But House Bill 4280, as amended in the Senate, will, under certain cases, let you add to a resident's property tax.

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

133rd Legislative Day

5/25/2004

Now, you know, property taxes can be and are, I think, very, very distasteful probably from Chicago to Cairo. And... and Chicago and Cook came in earlier this year and got an es... a limit in assessments and some property tax language that eases the pain of property tax owners in Cook and other counties if they choose to opt in. But here we turn around and do just the opposite. We say that if you don't mow your grass, if you don't pick up the trash, if you have an abandoned vehicle in your yard the city can, under certain conditions, put an assessment on your property tax bill. That, to me, would be only the absolute case of last resort. For example, you have a person in your district who becomes disabled. They have no family, they're taken to a nursing home, they still own the property. There's nobody there to mow the grass, there's nobody there to take care of the property, the city takes care of it. The city gets tired of mowing the grass, they get tired of... he or she didn't stop the paper, he or she didn't stop the mail when they went into a nursing home or the hospital. So, the city gets tired of all this and decides, hey, we spent \$3 hundred mowing the grass at that property last year, we're going to put the \$3 hundred assessment on his property taxes. For \$3 hundred assessment, you could cause that individual to lose his or her property and then it goes to a tax sale. I don't think that's good public policy. I know one of the Representatives on your side aisle has worked years on trying to get proper notice to elderly people who get the

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

133rd Legislative Day

5/25/2004

notice of their tax bill and they don't do anything with it because they don't understand it or they're in early Alzheimer's and their property is sold right out from underneath them at a tax sale. I don't think this is good public policy. I'm very concerned.. as Representative Jerry Mitchell said earlier in debate, I don't know what it takes to get people to be good neighbors, responsible citizens. We put liens on their property, we put fines on them, we've tried everything. But to put an assessment on their property tax bill is just not something I'm willing to support at this time. And I intend to vote 'no'."

Speaker Hannig: "Representative Flider."

Flider: "The Sponsor yield?"

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

Flider: "Representative, if I could give you a hypothetical situation. Let's say that an individual who owns a piece of property decides to not have garbage service and the garbage piles up. And let's say that the city decides to fine that individual or file a complaint against that individual, and then takes that individual to court and is successful and then a fine is levied against an individual who has garbage piling up. However, the individual homeowner decides not to pay that fine. Would this legislation remedy the sit... the situation that I'm referring to in my hypothetical?"

Davis, W.: "If you're... if you're speaking of whether or not the resident of a property chooses not to pick his garbage up... let me make sure I understand your question."

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

133rd Legislative Day

5/25/2004

Flider: "Right. He... he decides... he just... he lets his garbage pile up and the city says, 'We've had enough and we're gonna file a complaint.' They go to court, the judge rules for the city, the resident owns... owes a hundred dollars as a fine, decides not to pay the city, owes the city a hundred dollars. And so, I guess my question would be could the city then take some kind of action, under your legislation, to insure it gets it's hundred dollars?"

Davis, W.: "Well, the way that... the action that the municipality can take, as outlined by the legislation, is they can first start by placing a lien on that property. Now, the language says that they may place a special assessment on... on the property. Certainly, after due process has been issued, if the homeowner then decides not to remove the trash, there is a lien provision and then it says that they may move forward and probably... and possibly place a special assessment then on the property. Now, whether or not that gets them to ultimately take away their garbage, unfortunately the legislation does not specifically address that. We hope that a homeowner will take enough pride in their property, such that... that they will wanted to get... they will not want it to get to this point and will pick up the garbage and make sure that they have a livable arrangement. I know that gets into some other issues, public health issues as well, but the provisions of the legislation simply call for a lien and possibly a special assessment on the property to try to collect those particular fines."

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

133rd Legislative Day

5/25/2004

Flider: "So, in the... in the case of a situation where a person just violated the properly... prop... the... the city code, decides to thumb their nose at the city code and, effectively, the rest of the citizens of the city, at some point that person will have to ensure that they pay their penalty, that they were... where they were convicted or they were found by a court to be guilty of a certain violation."

Davis, W.: "I'm... I'm sorry, unfortunately couldn't hear your exact question. Mr. Speaker, having a little trouble hearing."

Flider: "So, your... your legislation would ensure that if somebody is fined and found guilty in a court of law, is assessed the penalty, that that penalty will be paid, ultimately, one way or another?"

Davis, W.: "Yes, Sir, it does. And particularly, if that individual decides they want to sell that property at some point, then in order to dispose of that property that particular fine will have to be dealt with before it can be sold."

Flider: "We... we've heard today, in debate, a couple different ways of... of assessing fines and making sure that a city could deal with people who... who violate the... a city code. In one instance, by not having garbage pick up and... and perhaps having the water shut off as a penalty to get them to comply, versus this method which insures that there is due process and insures that somebody cannot thumb their nose at a city or at the rest of its citizens and one day or another... one way or another, if they are guilty and

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

133rd Legislative Day

5/25/2004

found to have to pay a fine by a court then the city would be able to recoup at least the fine and some of the costs associated with that... that specific penalty or that specific violation. And so, for that reason I... I would rise in support of this legislation. I think this is a preferable way to ensure that somebody who's violating a code will ultimately have to pay for that violation one way or another. And while certainly no situation is perfect, I would also suggest that... I know that cities, at least the cities I've been... I have worked with, have worked with citizens. They understand situations where citizens may not have... you know, maybe the lawn's not being mowed because somebody is ill and neighbors kick in... pitch in to help out. Or there are other situations, neighborhood groups help... kick in to help out. But in this situation, I think this is a preferable way to ensure that a city can recoup its cost for those who violate the codes of the city. Thank you."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Meyer: "This... this was brought up by myself in committee this morning. We're... we're dealing with Senate Amendment #1 and 2, and we're dealing with them at the same time. The wording on them is not identical and each of them deletes everything and replaces it with whatever that wording is. And I really... realize this may be the procedural matter,



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

133rd Legislative Day

5/25/2004

but as we're voting on both of them at the same time, how do we know which one is ultimately going to become law?"

Speaker Hannig: "Well, Representative, just on a technical point, I think it's fair to say that the... that if there was a series of Amendments that delete everything after the enacting clause, that the last one would be the one that would remain."

Meyer: "Thank you, I just wanted to get that in the record."

Speaker Hannig: "Representative Pankau."

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

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

Pankau: "Representative, is this any and all ordinance that might be passed by the municipality? In other words, maybe they have ordinances... one of my communities has an ordinance that if your grass is more than a certain height, they will ticket you, come in, mow it and give you the bill. Is an ordinance like that included in what you're talking about?"

Davis, W.: "Well, I'm sure... a municipality certainly can... can put ordinances such as that one in place. Again, the objective is to encourage the homeowners to cut their own grass. Municipalities that I represent..."

Pankau: "Okay. No, no, no. I mean, are their different classes of ordinances, like these ordinances are included but these ordinances aren't? Like another one of my municipalities has an ordinance where you can't park a boat or a motor home on your driveway. Would something like that be something where they could be ticketed and then

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

133rd Legislative Day

5/25/2004

this added onto your property tax, or are there different... are there ordinances that this applies to and ordinances that it doesn't apply to?"

Davis, W.: "I don't... Well, I believe the answer to your question is 'yes'. As the legislation is stated, we're talking about violations such as cutting of grass and weeds, removal of inoperable vehicles, removal of garbage, and rodent and varmint abatement. So, if there are other ordinances that deal with things other what stated here, then yes, there are certain ordinances that deal with these things and ordinances that deal with oth... other things. Does that answer your question?"

Pankau: "Yes, thank you. To the Bill, Mr. Speaker. I urge you to vote 'no' on this Bill. I can understand what the Sponsor's trying to do, however, I think this just goes too far. Who's to say that parking a boat on your... on your driveway while you are waiting for your kids to come in and get it or some... something... some reason and you get ticketed, and then this has the probability of going on your property taxes because somebody says, 'Well, you were parking it there.' I just think this goes too far. And you know, there's a general perception out there that the government is always out to get us. And I think, unfortunately, that a Bill like this just reinforces the perception that the government's always out there to get us. I urge you to vote 'no'."

Speaker Hannig: "Representative Monique Davis."

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

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

133rd Legislative Day

5/25/2004

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

Davis, M.: "Representative, part of your legislation states that if a person has debris, or what have you, in their yard, that they can be cited for that."

Davis, W.: "Well, the legislation itself doesn't state that. The municipalities already have their own ordinances in place that speak to whether or not... or speak to what an individual can or cannot be cited for. This is just a mechanism by which if the person that's been cited does not pay that fine when it's been issued, that there is a process in place by which the municipality can ultimately collect..."

Davis, M.: "Let me... let me... let me just share with you what one of my concerns are. A senior citizen who's husband was making repairs on the repor... on the porch, had ordered supplies and they were in the yard and the husband dies. This immediately cuts that... that widows income in half, there's debris, as some may call it, in the yard. She's dealing with the death of her husband and at some point she will have to pay someone to complete the work he started. My concern is that this person will be cited and harmed further."

Davis, W.: "Not necessarily, Representative. First of all, you... you talked about a widow, possibly... possibly a senior citizen. So, if we're talking about a porch, now mind you there might be some safety issues, so we certainly want that safety issue to be... to be rectified. And mind you, the legislation calls for due process, which means yes, she

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

133rd Legislative Day

5/25/2004

may be cited, but then based on the circumstances as you've indicated in that situation, she has the ability to go and present that case before a hearing officer or a Circuit Court judge, who can then... who can then weigh in on that situation based on the specific circumstances or extenuating circumstances in that situation."

Davis, M.: "Let me ask this question. Thank you. The cars that you're speaking of, where are they?"

Davis, W.: "I'm sorry?"

Davis, M.: "The vehicles. Where are the vehicles?"

Davis, W.: "That depends on the local ordinance. There are some local ordinances that say inoperable vehicles parked in front of the houses, on the side of the houses, whether they're parked... that's... that's gonna be determined by that particular local ordinance as to what is... what the definition of a inoperable vehicle is and where that vehicle is or is not located."

Davis, M.: "Representative, is the purpose of this legislation to raise funds for municipalities? What is the purpose?"

Davis, W.: "Well, it's not so much to raise funds from municipalities. But municipalities, particularly in my district, that are working very hard to keep their communities clean, keep their communities safe, this is a mechanism hoping... hopefully that will encourage homeowners to make sure that their properties are kept up. That their clean, that their grass is cut, that it's free from debris, possibly free from rodents or vermin. So, it's not to

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

133rd Legislative Day

5/25/2004

raise funds, but it's to encourage homeowners to... to take care of their properties."

Davis, M.: "I understand. Let me give you an example. My... one of my neighbors recently suffered with breast cancer, she has a little boy who's two. During this emergency in that family, their grass was not cut. And I don't think too many people mind it who knew what the circumstances were. Occasionally, another neighbor would cut her grass for her. But off times it was at a much higher height than the rest of the community because she was hospitalized with surgery from breast cancer. And the people who came to the house were just concerned with taking care of the little boy, and the husband was going to work everyday. These are real circumstances. So, in your municipality, if that's the one you are trying to protect, are you saying the community ignores the ordinances?"

Davis, W.: "Un... unfortunately, in some municipalities residents do simply ignore the ordinances. Now, you presented... you presented a very compelling situation. And... and mind you, in terms of those people that are in favor of this, the City of Chicago is supporting this particular piece of legislation. And again, I..."

Davis, M.: "I'm not surprised. Continue."

Davis, W.: "Our intent is not to necessarily penalize individuals, we're just trying to encourage individuals to take care of their property. But because in situations like the one you just described, there is a due process

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

133rd Legislative Day

5/25/2004

mechanism here. That way that husband may be able to go before this hearing officer..."

Davis, M.: "So, he should have that on his back, as well as his wife's illness. He should have it on his back that he's gotta go to court and tell why his grass hasn't been cut in two weeks."

Davis, W.: "Well, even... even without this particular ordinance, if that municipality has ordinances in place currently, then that's something that a homeowner is going to have to deal as well. We certainly feel for that particular gentleman and the situation of his family, but that's something he would have to deal with anyway."

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

Davis, W.: "This is just a mechanism hoping to ensure..."

Davis, M.: "Once they go to court..."

Davis, W.: "...that the... that the fines are paid."

Davis, M.: "Once they go to court and they would tell perhaps what the circumstances are, then a judge... is it a hearing officer or a judge?"

Davis, W.: "The... the legislation calls for either or. They can go in front of a hearing officer or a Circuit Court judge."

Davis, M.: "So with this legislation, would municipalities have to hire additional hearing officers?"

Davis, W.: "I would imagine not. Most municipalities, at least in my district, they already have these types of hearing officers in place that deal with local ordinance violations."

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

133rd Legislative Day

5/25/2004

Davis, M.: "But if we're adding to them, which kinds of cases would come before them? I would think they would need additional hearing officers."

Davis, W.: "That depends on the community. That depends on how many residents they have that are violating those particular ordinances. There may be more residents, there may not be."

Davis, M.: "Do you think that, if the person cannot afford to pay the fine, then you say you put a lien on the house?"

Davis, W.: "Yes, Ma'am."

Davis, M.: "So then the house cannot be sold until the lien is..."

Davis, W.: "Until that lien is disposed of."

Davis, M.: "To the Bill, Mr. Speaker. You know, this Bill will probably get a number of votes, but I have to agree with my colleague over here who said, in our opinion, we're being a bit too punitive to too many people. When people purchase property, they have made an investment. Most times they want to do what is right to keep that property in tip-top conditions, and I think that most city ordinances already take care of what you are trying to solve. You know, I would really disagree that all of these cases where people don't cut their grass or Junior has a car and the car needs repairing... the car needs repairing, we're gonna cite that person. You know, how much can our taxpayers stand? How heavy are we going to continue to be on their backs? These people pay property taxes, taxes on their utilities, water bills. These are people that are keeping that local

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

133rd Legislative Day

5/25/2004

municipality going. Now, there is one committeeman, I think it's Zucarelli, he has a committee that takes the name of the people who need their grass cut, then he has some volunteers, senior citizens, who go cut the grass for those people. So, this is where government is trying to help instead of hurt. And I respect you, I know you have the most... the best intentions in the world and your Bill will probably fly, but I cannot continue to vote to hurt people who simply go to work everyday, pay their taxes, and are trying to do the best they can by their children. And every time they look up, here is the government in their pocket. It's wrong. And I do... I know you don't have bad intentions, but I believe this Bill will lead to the hurt of many innocent families. And I would urge a 'no' vote."

Speaker Hannig: "Representative Lyons."

Lyons, J: "Speaker, I move the previous question."

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

Davis, W.: "Thank you, Mr. Speaker. I appreciate all of the concerns of Representatives. And I am a firm believer that nothing in this House is final. And I just simply ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments and 2 to House Bill 4280?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted



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

133rd Legislative Day

5/25/2004

who wish? Mr. Clerk, take the record. On this question, there are 60 voting 'yes' and 55 voting 'no'. And the House does concur in Senate Amendments 1 and 2 to House Bill 4280. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Turner: "Representative Turner in the Chair. The Gentleman from Lake, Representative Sullivan, for what reason do you rise? On the Order of Concurrences, page 26, we have House Bill 4426. Representative McAuliffe. Read the Bill, Mr. Clerk. I'm sorry. Representative McAuliffe, on a Concurrence Motion."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to concur with Senate Amendment #1 on House Bill 4426. What this would do is Senate am... the Floor Amendment would read that the Department of State Police wouldn't have to register under the Arsonist Registration Act until the appropriation for their agency was done and would not... it would not have to start this program until the I-CLEAR system is implemented throughout the whole state. Currently, it's only being done in the City of Chicago. And I ask for the... I ask to concur in Senate Amendment #1."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4426?' 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,

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

133rd Legislative Day

5/25/2004

there are 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 4450. Representative Kelly. Read the Bill, Mr... No, Representative Kelly."

Kelly: "Thank you, Mr. Speaker. I move that we concur with Senate Amendments 1 and 2. The Bill, as amended by these 2 Amendments, requires that consumer contracts of 12 months or more, with automatic renewal clauses, the businesses shall disclose the automatic renewal clause clearly and conspicuously in the contract, and also send a written notice to consumers between 30 and 60 days before the automatic renewal takes place. This notice shall disclose that unless the consumer cancels the contract, it automatically will renew and it also will disclose where the consumer can obtain details of the automatic renewal provision and cancellation procedure. This Act does not apply to national and state banks, credit unions, trusts, and their subsidiaries and affiliates are exempt from this Act. And it also does not include entities licensed under the Residential Mortgage License Act of 1967. And it does not apply to business-to-business contracts. Violation of this Act also is in violation of the Consumer Fraud and Deceptive Business Practices Act."

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

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

Turner: "She indicates she will."

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

133rd Legislative Day

5/25/2004

Graham: "Representative Kelly, is this... is it the intent of this legislation to apply to pre-need contracts?"

Kelly: "No, this legislation is not intended to apply to pre-need contracts."

Graham: "Is it the intent of this legislation to apply to cemeteries and funeral homes who provide services on a at need basis and have open accounts for families and... until the accounts are paid?"

Kelly: "No, it's not the intent of House Bill 4450 to apply in those situations."

Graham: "Okay. Thank you."

Speaker Turner: "Seeing no further question, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 4450?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 4771. Representative Dugan. Read the Bill, Mr... I mean, Representative Dugan."

Dugan: "Thank you, Chairman. Ladies and Gentlemen of the House, I Motion to Concur with Senate Amendment #1 to House Bill 4771. What the Senate Amendment does is delete current language that requires marital rape to be reported within 30 days in order to be prosecuted. By eliminating

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

133rd Legislative Day

5/25/2004

this language, the Senate Amendment #1 would make the reporting period and statute of limitations for marital rape identical to the reporting period and statute of limitations that apply to rape cases generally. I'm open for questions and would ask for a 'yes' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 4771?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Page 27, we have House Bill 4960. Representative Brauer. Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 4960, with the Senate Amendment, is the companion Bill to Senate Bill 2887, which we passed out last week. This is an issue of the Illinois Realtors Association in... in collaboration with OBRE. It addresses their continuing ed. hours. It's an agreed Amendment. I would ask that we concur with Senate Amendment #1 to House Bill 4960."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 4960?' 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

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

133rd Legislative Day

5/25/2004

are 113 voting 'aye', 1 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. We have House Res... House Bill 4977. Representative Biggins. Out of the record. We have House Bill 5017. Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendments 2, 3, and 4 to House Bill 5017. This is a initiative of the Illinois Association of Fire Protection Districts, Northern Illinois assoc... Alliance and Fire Protection Districts, the Office of the State Fire Marshall, Illinois Fire Service Association, Illinois Fire Chiefs, Illinois Fire Safety Alliance, Illinois Firefighters Association and the Illinois Professional Firefighters Association. House Bill 5017 left this chamber 114 to 0. When it got over to the Senate there were a couple other Bills that didn't get out of Rules, such as House Bill 4958, sponsored by Representative Bost, that passed this chamber 118 to 0. So, that is actually Amendment #2. Amendment #3 is a technical Amendment that cleans up some of the language in Amendment #2. Amendment #2 also includes my original thing that allowed... it was a permissive thing for the fire districts that they may require new applicants and new applicants only to have some kind of EMT training. And finally, Senate Amendment #4 was another Bill that passed the House, I don't know the number of it, but it basically allowed fire chiefs to request criminal background checks

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

133rd Legislative Day

5/25/2004

for new applicants. So, I would ask for the House to concur."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendments 2, 3, and 4 to House Bill 5017?' 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 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 5023. Representative Sacia. 5023."

Sacia: "Thank you, Mr. Speaker. Mr. Speaker, House Bill 5023, I move for the con... move for Concurrence on... on the Motion. It... it's a simple Motion, specifically what it is, it clarifies the meaning of 'downtown'. It went over to the Senate without a clear definition of 'downtown'. With the assistance of Representative Scully, we came up with the definition that everyone felt was a great definition. And I move for it's concurrence. Thank you."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 5023?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this

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

133rd Legislative Day

5/25/2004

Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 5057. Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. This is a very simple Motion also, it change... it's a simple change. We've removed the words 'reintegration' and inserted the words 'transition' throughout this Bill so that it corresponds with another Bill that's coming through for long-term care. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 5057?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 28 of the Calendar we have House Bill 5215. Representative Kosel."

Kosel: "Thank you, Mr. Speaker. I move to concur on Amendment #1 to House Bill 5215. This was the Bill that we discussed on bidding for bus services for special ed. districts in school districts. And what this Amendment does is limit the time down to two years. It was three years and now it's two years. And I would ask for your approval. Thank you."

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

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

133rd Legislative Day

5/25/2004

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

Speaker Turner: "She indicates she will."

Flowers: "I'm sorry, Representative Kosel, what is the purpose of Amendment #1, please?"

Kosel: "Amendment #1 takes the time limit down from three years in the original Bill to two years."

Flowers: "In regards to transportation for children?"

Kosel: "No, in regards to the bidding process for school transportation for children. A school district would only have to bid the process their own versus private bidders once every two years. We already passed this out. There was a three year time on limit on it, the Senate negotiated it down to two years. And so, we are concurring with their agreement to do it once every two years."

Flowers: "Thank you."

Speaker Turner: "Representative Flowers."

Flowers: "One more question, Representative. So, you're making it more often for them to apply?"

Kosel: "Yes. Yes."

Flowers: "Okay. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House Concur in Senate Amendment 1 to House Bill 5215?' 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 112 voting 'aye', 2 voting 'no', and 0 voting



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

133rd Legislative Day

5/25/2004

'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences, page 28, we have House Bill 6567. Representative Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1. What it does... it's a technical change removing two words, 'related emergency service charges', something that the... found was a problem when it went to the Senate."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House Concur in Senate Amendment 1 to House Bill 6567?' 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 99 voting 'aye', 12 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 6583. Representative Sacia."

Sacia: "Thank you, Mr. Speaker. I move to concur with the Amendment on this. Amendment #2... it becomes the Bill, it ammems... amends the County Economic Develop Project Area Property Tax Allocation Act to provide for the creation of a countywide tisk... TIF district within Stevenson County. Provides that the City of Freeport must be in full agreement of all terms before the TIF district is created. And for the record, both the City of Freeport and the

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

133rd Legislative Day

5/25/2004

County of Stevenson are in complete agreement on this Amendment. I would be glad to answer any questions."

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

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, can you tell me the nickname of the Freeport High School athletic teams?"

Sacia: "Absolutely, Sir. It's the Pretzels."

Black: "The Pretzels? Outstanding. You go to the head of the class. Ladies and Gentlemen, anybody who would vote against a Bill that would help the City of Freeport, whose school nickname is the Pretzels, shame on you. What an outstanding idea. Good for you, Representative."

Speaker Turner: "Seeing no further question, the question is, 'Shall Senate Amendment 2 to House Bill 6583 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 5415. Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. I move for concurrence. The Senate is indicating that they believe that the president of the board ought not to be able to designate someone to substitute. I am going to agree with them."

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

133rd Legislative Day

5/25/2004

Speaker Turner: "Out of the record. Mr. Clerk, would you care to read the Rules Report? Resolutions. Resolutions, Mr. Clerk."

Clerk Mahoney: "Introduction of Resolutions. Senate Joint Resolution 82, offered by Representative Saviano. Senate Joint Resolution 75, offered by Representative Giles, referred to the House Committee on Rules."

Speaker Turner: "Agreed Resolutions."

Clerk Mahoney: "Agreed Resolutions. House Resolution 974, offered by Representative Daniels. House Resolution 975, offered by Representative Kurtz. House Resolution 976, offered by Representative Kurtz. House Resolution 978, offered by Representative Morrow. House Resolution 980, offered by Representative Slone. House Resolution 981, offered by Representative Jefferson. House Resolution 983, offered by Representative Boland. House Resolution 984, offered by Representative Jakobsson. House Resolution 986, offered by Representative Cross. House Resolution 987, offered by Representative Churchill. House Resolution 998, offered by Representative Granberg, 988. House Resolution 999, offered by Representative Brauer. House Resolution 990, offered by Representative Howard. House Resolution 991, offered by Representative Granberg. House Resolution 992, offered by Representative Feigenholtz. House Resolution 993, offered by Representative Younge. House Resolution 994, offered by Representative Franks. House Resolution 995, offered by Representative Pritchard. And

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

133rd Legislative Day

5/25/2004

House Resolution 997, offered by Representative John Bradley."

Speaker Turner: "Representative Currie moves for the adoption of Agreed Resolutions. All those in favor should say 'aye'; all those opposed say 'no'. Opinion of the Chair, the 'ayes' have it. And the Resolutions are adopted. On the Order of Concurrences, page 28, we have House Bill 6760. Representative Dunn. Read the... Mr. Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Turner: "Excuse me. You may... you may proceed, Mr. Dunn."

Dunn: "I Motion to Nonconcur Senate Amendment #1 to House Bill 6760 and to Concur on Senate Amendment #2 to this Bill. One at a time? Okay, well I Motion to Nonconcur Senate Amendment #1 to House Bill 6760."

Speaker Turner: "The Gentleman asks leave... no, the Gentleman move to nonconcur with Senate Amendment 1 to House Bill 6760. All those in favor should say 'aye'; all those opposed say 'no'. Opinion of the Chair is the 'ayes' have it. And the House does not concur with Senate Amendment 1. And Representative Dunn, on your second Motion."

Dunn: "Thank you again, Mr. Speaker, Ladies and Gentlemen of the House. I Motion to Concur Senate Amendment #2 to House Bill 6760. This Amendment we previously discussed in this House, it allows religious institutions to lease their parking lots to mass transit agencies for limited free parking for daily commuters. I ask for an 'aye' vote."

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

133rd Legislative Day

5/25/2004

Speaker Turner: "Seeing no questions, the question is, 'Shall the House... Sorry, the Gentleman from McHenry, Representative Franks, for what reason do you rise?'"

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

Speaker Turner: "He indicates he will."

Franks: "I just want to make sure I understand what's happening here. We non-concurred with Senate Amendment #1, correct?"

Speaker Turner: "Correct."

Franks: "And now we're just dealing with Senate Amendment #2?"

Speaker Turner: "Correct."

Franks: "Okay, so to the... will the... the Sponsor will yield. This Amendment #2 is creating a property tax exemption for an entity that's renting out a parking lot for mass transportation, is that correct?"

Dunn: "Correct."

Franks: "Okay. Why... now, doesn't this amend Amendment #1?"

Dunn: "No, Amendment #1 is a separate issue and it's not related to the Bill."

Franks: "Okay. Now... because I'm... when reading the amended... the Amendment, it says this amends the Bill as amended."

Dunn: "In the analysis?"

Franks: "In the Bill. In the Bill itself. That's what I'm confused on."

Dunn: "It was initially amended by House Amendment #1, not the Senate Bill."

Franks: "Okay, so this Senate Amendment #2 is amending House Amendment #1?"

Dunn: "Correct."

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

133rd Legislative Day

5/25/2004

Franks: "And Senate Amendment #1 in the Senate?"

Dunn: "We non-concurred with the Senate Amendment #1. We do have to send it back to the Senate."

Franks: "I just wanna make sure this is done correctly. I know what you're trying to do."

Dunn: "Right."

Franks: "I'm worried about the procedural aspect here, the way it's written. Could we take this out of the record for a few minutes and take a look at it?"

Dunn: "Sure, we'll take a look at that."

Franks: "Thanks, I appreciate that. Thank you."

Speaker Turner: "On the Order of Concurrences, page 29 of the Calendar, Representative Bailey on House Bill 6811. Out of the record. On the Order of Concurrences, we have House Bill 6983. On page 29 of the Calendar, Representative May."

May: "Yes, Mr. Speaker, I move to concur with Senate Amendment #1 to House Bill 6983. It merely clarifies and tightens up two more things. This is a Bill for IUS Products to assist our manufacturing economy in this state in buying from the state. So, the purchase of manufactured articles, there are two exemptions here. One of them is articles related to telecommunication services. In presenting the Bill on the floor CMS said that this was exempt, but this just clarifies it. And the other is where the Food and Drug Administration deals with pharmaceutical products, etc."

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

133rd Legislative Day

5/25/2004

Speaker Turner: "Seeing no questions, the question is, 'Shall the House... I'm very sorry. Representative Black, the Gentleman from Vermilion."

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

Speaker Turner: "She indicates she will."

Black: "Representative, the... the Senate Amendment... I... I see no mention of electronics in the Senate Amendment. Is... is that in the Bill? As it left the House?"

May: "No mention of what? I didn't catch what you asked."

Black: "Electronics. Radios, cell phones, television sets."

May: "You know what? I have to check the Bill, I don't think that that's in the original Bill."

Black: "The reason I ask... and I, as I told you, I've... I've often amended these Bills in the past, but we can't do that anymore. See, I don't think any foreign nameplate car should park on state property. I mean, if we're gonna do USA, let's do it all the way. But... hey, I'm with you. It... it's an unfortunate set of circumstances, but I don't think there's a television set made in the United States anymore... or monitor. So, in a case like that what do we do?"

May: "The..."

Black: "I mean, a Sony by any other name is a Sony. And it's generally not made in Hoboken."

May: "Representative, I'm so sorry I wasn't here when you sponsored the Bill that America... you know, that anything but an American car couldn't spon... couldn't park on state property, but I assure you I could park on state property..."

Black: "Well, I can too."

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

133rd Legislative Day

5/25/2004

May: "...with... with my Lincoln, which is manufactured right here."

Black: "Well, you have to know how to use the VIN code to make sure it wasn't assembled in Mexico, but that's..."

May: "I was... I was very careful to check on that before I bought it, Representative, and I... as I know you are."

Black: "And a lot of them are... a lot of them are assembled in Ireland and Canada, but what... Now back to the issue at hand, before I forget. Should not electronics be included in the Senate Amendment #1?"

May: "No one really asked for it. And quite frankly, the underlying Bill says that we should buy American unless it's not reasonable... it's not available in reasonable quantities, if it's not available or price, or the quality isn't the same, or it's not in the public interest. So, quite frankly, if it's not available, if there isn't..."

Black: "Okay."

May: "...a television set that was made in the U.S., it would be covered in the original Bill."

Black: "So, it would be your intent to make a good faith effort, correct?"

May: "Absolutely, yes."

Black: "All right. You know..."

May: "We've worked with many state agencies and... and dealt with the complicated Procurement Code."

Black: "Have you worked for many state agencies?"

May: "No... I... in working on this Bill."

Black: "Oh, working with state agencies."



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

133rd Legislative Day

5/25/2004

May: "Yes."

Black: "Well, I'm... I would clarify that. You know, one of the things we might want to do is the Director of CMS, during the Health Alliance and all the health provider bids, said that he does not have... his department does not have the statutory authority to give preference to instate bidders. I think he... I think all state departments should have that. I have filed a Bill that would give preference to instate bidders. Would you be willing to talk to the Speaker to see if that Bill could get out of the Rules Committee?"

May: "I would be happy to check, but the only thing you need to be careful of, Representative, that it doesn't violate the commerce clause at the federal level."

Black: "Oh, I don't think it does."

May: "It doesn't?"

Black: "No, I... I'm just taking Director Ramon's suggestion as a result of the confusion on the health provider contracts, because two of the... well, two of the awardees, at that time everything's on hold, were out of state vendors. And he said, 'I... I agree with those of us who questioned that. Why would you replace an in-state vendor with an out-of-state vendor? And he said very clearly, 'There's nothing in state law that let's me give preference to an in-state bidder.'"

May: "Representative..."

Black: "So, I took him at his word and I filed a Bill, but I... I haven't had much luck getting it out of Rules Committee, maybe you could help me."

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

133rd Legislative Day

5/25/2004

May: "Well, I have a great deal of respect for our Majority Leader...

Black: "Oh, I do too."

May: "...sitting right in front of me, so I would be happy to talk to her tonight about it."

Black: "With the promise that you're going to help me work on that, I intend to vote for this Bill."

May: "Thank you, Sir."

Speaker Turner: "The question is, 'Shall the House concur in Senate Amendment 1 to House Bill 6983?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 7015. Representative Verschoore."

Verschoore: "Thank you, M... Mr. Speaker, Ladies and Gentlemen of the House. I move for concurrence in Senate Amendment #1. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 7015?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this

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

133rd Legislative Day

5/25/2004

Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 7029. Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to concur with House... Senate Amendment #1 to House Bill 7029. And I'll be more than happy to answer any questions you have."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate... I'm sorry, the Gentleman from Vermilion, Representative Black, for what reason do you rise?'"

Black: "Well, the actual reason that I rise is I'm bored and my... I need to get up every once in awhile to keep the blood flowing. But now that I'm up, will the Sponsor yield?"

Speaker Turner: "She indicates she will."

Black: "Thank you very much. Representative, in the Senate Amendment I find some interesting language. It would appear that these nursing scholarship funds will not be eligible for transfer into the General Revenue Fund, is that correct?"

Flowers: "That's how it reads, Sir."

Black: "Oh."

Flowers: "Yes."

Black: "Have you checked with the office on two to see if that's all right? I thought he would want it to get into a lot of these funds and, you know, if they had any extra money, so..."

Flowers: "Representative."

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

133rd Legislative Day

5/25/2004

Black: "Yes?"

Flowers: "I concur with Amendment #1. Senate Amendment #1."

Black: "So... so you have no... you have no comment on my..."

Flowers: "I do concur with Senate Amendment #1."

Black: "Sometimes what you don't say is just as important as what you do say. I... I join with you. Thank you very much."

Flowers: "Thank you, Sir."

Speaker Turner: "The question is, 'Shall the House concur in Senate Amendment 1 to House Bill 7029?' 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 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, we have House Bill 7057. Representative Bradley."

Bradley: "Thank you, Mr. Speaker, Members of the House. I move to concur on Senate Amendment #1. Number 1 is identical to the House Bill 7057 except it deletes the Bills probation fee increase and repeals the \$10 per month probation fee increase. Senate Amendment #3 also directs the courts to direct the offender not to have any contact with anyone associated with his crime. Also, specifically as to evaluation, it changes the following: it eliminates the requirement that the Sex Offender Management Board approve any experts retained by the respondent in a civil crim..."

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

133rd Legislative Day

5/25/2004

committal proceeding. Also for criminal proceedings, presentence investigations would only be required where probation was being considered. This would not prevent the court from ordering a presentence investigation at its discretion. It also extends the time for filing requiring presentence reports from 30 to 60 days after a conviction of a sex crime. It also extends the required presentence report and required sentencing hearing to all offenses defined as sex offenses. The Bill also increases the monthly fees that may be charged to sex offenders for conditional discharge and supervised community service."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur with Senate Amendments 1 and 3 to House Bill 7057?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrences, on page 27, we have Representative Biggins on House Bill 4977. Representative Biggins."

Biggins: "One second, we're having a last minute briefing here. Thank you, Mr. Speaker, for waiting. Senate Amendment #1, which I would ask to have adopted, removes the provision that the department in a closing letter must provide audit methods and it removes the position that the department had. It... the attempt of this whole Amendment is to remove

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

133rd Legislative Day

5/25/2004

the opposition of the Department of Revenue, and they have removed that opposition with this Amendment."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur in Senate Amendment 1 to House Bill 4977?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Second Readings, we have Senate Bill 2496, page 18 of the Calendar. Representative Feigenholtz. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2496, the Bill has been read a Second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third reading. On page 18, we have Senate Bill 2499, Representative Feigenholtz. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2499, the Bill has been read a Second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Turner: "Third Reading. I'm sorry, Representative Feigenholtz on Amendment... Floor Amendment #1."

Feigenholtz: "Thank you, Mr. Speaker. This is a piece of the Bill that remains. It addresses the issue of prohibiting loans, contingency loans, for the purposes of an adoption."

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

133rd Legislative Day

5/25/2004

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Amendment #1 to Senate Bill 2499?' All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. On the Order of Second Reading, page 19 of the Calendar, we have Senate Bill 2880. Representative Hamos. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2880, a Bill for an Act concerning aging. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative Hamos, has been approved for consideration."

Speaker Turner: "Out of the record. On the Order of Second Readings, page 18 in the Calendar, we have Senate Bill 2375. Representative Osterman. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2375, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered Representative Osterman, has been approved for consideration."

Osterman: "Mr. Speaker, Ladies and Gentlemen of the House, Floor Amendment #1 becomes the Bill and Senate Bill 2375 amends the Illinois Procurement Code by requiring the prospective vendors, prior to contracting or soliciting... putting in solicitations for state contracts, disclose any services under the contract that may be performed outside of the United States. Additionally, it gives the chief

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

133rd Legislative Day

5/25/2004

procurement officer the ability to consider those disclosures in awarding the contract. If there's a breach of the contract, based on work being performed outside of the country, it gives the CMS director the ability to counsel... cancel that contract for breach of the contract. And likewi... it also adds that reports regarding any work being worked outside of the state in regards to this legislation be reported in the report to the General Assembly in 2007. With that, I'd ask for Amendment to be adopted."

Speaker Turner: "The question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 2375?' All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. And the Amendment #1 is adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. On the Order of Third Readings, on page 14 of the Calendar, we have Senate Bill 2222. Representative Wyvetter Younge. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2222, a Bill for an Act in relation to economic development. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Mr. Speaker. Senate Bill 2222 creates the Mid-America Medical District. Number... Amendment #1 becomes the Bill and Amendment #2 changes the members of the



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

133rd Legislative Day

5/25/2004

commission to three appointed by the Governor, three appointed by the county chairman and three appointed by the Mayor of the City of East St. Louis. The commission would have the power to build hospitals and clinics and technology centers and laboratories in and around St. Mary's Hospital, Kenneth... Kenneth Hall Hospital in East St. Louis. As a result of the comments in committee, the commission would have no eminent note domain power or quick-take or ability to float bonds. And any debt of the commission would not be the debt of the state. This Bill is supported by Southern Illinois University School of Nursing, the president, the owners of the hospital, the mayor and the county chairman. And it's very important to my district and I ask you to please pass 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: "She indicates she will."

Meyer: "Representative, what... where is this facility to be... this to... where's this to be located again?"

Younge: "It's to be located in and around St. Mary's Hospital, the Kenneth Hall Hospital in East Saint Louis, Illinois."

Meyer: "Is that close to Madison County?"

Younge: "It's right in the center of St. Clair County."

Meyer: "Is that in close proximity to Madison?"

Younge: "Well... I would think 20, 30 miles from Madison. The City of Madison?"

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

133rd Legislative Day

5/25/2004

Meyer: "Well, one of my concerns, knowing the reputation of Madison County has with doctors, are there gonna be any doctors left in that area to... to accommodate this facility?"

Younge: "I... I think that we will take some action in reference to doctor, and I think there is a medical district that stabilizes the hospital. This will make the area more attractive to doctors. And Doctor Smith, who testified in committee, said that he even thought that the medical malpractice insurance polic... problem could be facilitated or helped by the medical district."

Meyer: "Well, Representative, I'd agree with you, we need some tort reform to attract doctors to that part of the state, or in any other part of the state for that matter. I know we're losing a great number of 'em up in my area. And quite honestly, I hope none of us ever need to have a... have somebody that does surgery on our brains down here because of a car accident or stroke or something, 'cause they just won't be here because of that problem. Well, let me go on to another part of the Bill that I... I have a question on. Representative, I have a copy of the Bill... and I have a copy of the Amendment, and... and it seems to me that one part of the... the Bill, or one part of the Amendment has become a Bill. It provides for the Governor to appoint the chairman... the chairperson of this committee to be for... commission to be formed. And another part of Amendment 2, I believe, it allows for the committee members... commission members to select their own chairperson. Which is it?"

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

133rd Legislative Day

5/25/2004

Younge: "It's that the Governor will appoint the chairman."

Meyer: "Well, I... that's inconsistent. And the reason I bring that up is because I think probably as this advances in the system, goes to the Governor, he needs to take a look at that and Amendatory Veto one of the two out of it. Because right now, you've got the chairperson being appointed from various... or from two different sources. That's inconsistent and I think it's just gonna confuse the whole issue with the... which is the one that should prevail. So, I would just recommend that you ask, as a part of the Amendatory Veto, that that be rectified."

Younge: "Thank you very much."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass Senate Bill 2222?' 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 113 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, we have Senate Bill 728. Representative Joyce. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 728, a Bill for an Act in relation to civil procedure. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Would you read Senate Bill 3191, Mr. Clerk?"

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

133rd Legislative Day

5/25/2004

Clerk Bolin: "Senate Bill 3191, a Bill for an Act in relation to executive agencies. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Hold that Bill on Second Reading. And could you also read Senate Bill 3188, Mr. Clerk?"

Clerk Bolin: "Senate Bill 3188, a Bill for an Act in relation to executive agencies. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "You should hold that Bill, also. For the Members' direction, I want to tell you that we're going to the Order of Resolutions. So, if you will turn to page 30 in the Calendar, we're gonna go down the Calendar in that order. Please let me know if you want your Resolution called. Starting on page 30, the first Resolution that we're going to address is House Joint Resolution 23. Representative Fritchey. The Gentleman is not in the chamber. On page 31 of the Calendar, we have Representative Flowers on House Joint Resolution 47. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Joint Resolution 47, offered by Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Joint Resolution 47 proclaims Wednesday May 28th as 'We Remember, We Care for the Indigent Person Day in Illinois'. And I would urge for the adoption of the Resolution."

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

133rd Legislative Day

5/25/2004

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt House Joint Resolution 47?' All those in favor say 'aye'; all those opposed say 'no'. Opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. We have House Joint Resolution 48, Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 48 creates a task force to review the operations of the Illinois Department of Children and Family Services Foster Care Division in related laws and rules impacting the Illinois foster care system. This legis... this Resolution comes out of a hearing that I hosted, in my district during the sum... last summer, whereby, we brought, just firstly, all the aspects of the foster care system into the room at the same time. We... we got rid of the finger pointing and... and ran a very nice hearing. It was attended by Members of the Republican Caucus, the Speaker had a representative there. And this is just a Resolution that asks for this task force to be formed to undertake a comprehensive and thorough review of the operations of Illinois Department channel... of Children and Family Services Foster Care Division to try and determine if improvements need to be made, what those improvements should be. It could... it should involve agency, it should involve the providers... the private providers, and it should be involving foster parents, and this just sets that up. I think it's about time we have this kind of good hearing that brings everyone... everyone together."

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

133rd Legislative Day

5/25/2004

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Joint Resolution 48?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Resolution, having received the Constitutional Majority, is hereby declared passed. On the Order of Resolutions, we have House Joint Resolution 49. Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Joint Resolution 49 urges the Governor to convene a summit on children's nutritional health and well-being. This is an initiative of our nutritional package for children. And as you all know, the problem of childhood obesity is increasing and we'd like to be able to convene a summit on children's nutritional health. And I ask for your 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Joint Resolution 49?' 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 113 voting 'aye', 1 voting 'no'. And this Bill, having received the Const... this Resolution, having received the Constitutional Majority, is hereby declared passed. On the Order of Resolutions, we have House Joint Resolution 55. Out of the record. On the Order of Resolutions, we have House Joint

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

133rd Legislative Day

5/25/2004

Resolution 60. Representative Munson. The Lady from Cook, Representative Munson."

Munson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. House Joint Resolution 60 creates a task force to study the cost and feasibility of moving toward a digital government model of service delivery and to make recommendations on how, when or if to move forward. I'll take any questions."

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

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

Speaker Turner: "She indicates she will."

Black: "Representative, what are you up to here? What do you mean digital government? We're gonna be... does that mean everybody here and everybody in the Governor's administration will be replaced by digital images that you can put on a DVD?"

Munson: "We're hoping to avoid that."

Black: "Well, I think it might be a heck of an improvement, quite frankly. I mean, here we are, 5:08 on the 25th of May, piddling, diddling, and fiddling while the State of Illinois burns. I have an idea. Why don't we just turn it over to the digital Governor and let's work on the budget. Mr. Speaker, would that be all right with you if we work on the budget instead of sitting here, dealing with diddley, piddley, fiddley nothing? I'm... I'm ready to turn it over

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

133rd Legislative Day

5/25/2004

to a digital government. Let's make... let's make a video game out of it. Let's go home. Let's work on the budget."

Speaker Turner: "I thought we were."

Black: "Oh. Well, are we on the Resolution?"

Speaker Turner: "They cost money, too."

Black: "This Resolution is probably the best Resolution I've seen here, because anything that could take the current structure of government and turn it into a digital form of government has to be a hell of a lot better than what we have now."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Joint Resolution 60?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received... this Resolution having received the Constitutional Majority, is hereby declared passed. The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

Bost: "I have an inquiry of the Chair."

Speaker Turner: "State your inquiry."

Bost: "Mr. Speaker, earlier today in the Capitol there were many state employees here that were concerned about getting pink slips. I just found out that we're all being handed pink slips. What does this mean?"



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

133rd Legislative Day

5/25/2004

Speaker Turner: "We're consistent. There are no favorites. On the Order of Resolutions, we have House Joint Resolution 55. Representative Poe."

Poe: "Now, Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill that the Purple Heart Veterans of Illinois have come to me. And this is probably the third time that we have passed it out of the House and it always... it's got hung up between here and the Senate or on another Bill. But what it would do is it'd name the... from all the way from Danville to Quincy, the 'Heart of Illinois'. It'd be the Purple Heart Highway. It'd just be a sign on each end, it's not gonna be a lot of decorations, but it's just something that the veterans identified that they would like to be here in the 'Heart of Illinois', and this is the highway we'd like to name."

Speaker Turner: "Seeing no questions, the Gentleman moves for the adoption of House Joint Resolution 55. 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Resolution, having received the Constitutional Majority, is hereby declared passed. And while we're on Highway 55, we have House Joint Resolution 68. Representative Brauer, for what..."

Brauer: "Thank you, Mr. Speaker. This is just to help the tourists that come down to visit the new museum and library here in Springfield. This will be the Abraham Lincoln

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

133rd Legislative Day

5/25/2004

Parkway, and it will drive... take from Sherman, come right down past the new museum, the new library, if we ever get 'em completed, and then exit right on south. Appreciate an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Joint Resolution 68?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Resolutions, page 32, we have House Joint Resolution 69. Representative Brauer."

Brauer: "Thank you, Mr. Speaker. Again, this is another tourism designation. This will take us past the New Salem State Park. We have 600 thousand visitors that come to that park every year, most of them are by cars. And again, this will identify the route and make it easier to find. Appreciate an 'aye' vote."

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

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

Speaker Turner: "He indicates he will."

Black: "Representative, I'm confused. I thought we just voted on an Abraham Lincoln Highway in the Resolution prior to this?"

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

133rd Legislative Day

5/25/2004

Brauer: "That was the... that was the Abe Lincoln Parkway. This is the Lincoln's New Salem Trace, which means to go back on your footsteps. And..."

Black: "Representative, I've always said, you cannot have too many Abraham Lincoln highways, byways, parkways, boulevards, right?"

Brauer: "This is not piddley, diddley."

Black: "I know it. This is the Land of Lincoln."

Brauer: "That's right."

Black: "All right. Would you... would you accept an Amendment on the face that every highway, byway, street and bicycle path in the State of Illinois be named after Abraham Lincoln?"

Brauer: "Well, actually I had looked for an Abraham Lincoln Highway on... on this House Joint Resolution, but it was already taken Route 30, north of 80."

Black: "Mr. Speaker, would you..."

Speaker Turner: "State your point."

Black: "Would you let me have the Dan Ryan on this so we could have the Abraham Lincoln Expressway?"

Speaker Turner: "Your Resolution number is?"

Black: "Oh, I'll have to get it filed and get back to 'ya. But I think this is a wonderful idea. Thank you."

Speaker Turner: "Okay. The question is, 'Shall the House adopt House Joint Resolution 69?' 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... Poe... the record. On this question, there are 114 voting 'aye', 0

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

133rd Legislative Day

5/25/2004

'noes', 0 'presents'. And this Bill, having... this Resolution, having received the Constitutional Majority, is hereby declared passed. On the Order of Resolutions, we have House Joint Resolution 78. Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. House Joint Resolution 78 sets up a rural healthcare task force. This came out of a seminar that Senator Simon had had with SEIU several months ago before his death, and one of the action plans that came out of it was to set up a rural healthcare task force of which they would address the issues of healthcare needs and access to care in rural Illinois. The only reason I'm sponsoring it is because I was at the seminar and said that we would do this, Representative Delgado and I. So, it would be rural healthcare legisl... rural Legislators who would serve on this task force to address these needs and then rebort... report back to the President of the Senate and the Speaker of the House no later than January 1st, 2005."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt House Joint Resolution 78?' 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 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having... Resolution, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, could you read the committee announcements?"

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

133rd Legislative Day

5/25/2004

Clerk Bolin: "The following committees will meet immediately following session: Elementary and Secondary Education will meet in Room 118 and State Government Administration Committee will meet in Room 122B. The following committees will meet tomorrow before Session: at 10:00 the Appropriation Higher Education Committee will meet in Room 118, at 11:00 the Appropriation Elementary and Secondary Education Committee will meet in Room C1, Fee for Services Initiatives Committee will meet in Room 114. At noon the Local Government Committee will meet in Room 118, Registration and Regulation Committee will meet in D1, Veteran's Affairs will meet in 122B and Developmental Disabilities and Mental Illness will meet in 115. At 12:30 p.m. tomorrow Healthcare Availability and Access will meet in D1 and Insurance will meet in 122B. At 1:00 tomorrow there will be a Democrat Caucus in Room 114 and a Republican Caucus in Room 118. Rules Committee will meet immediately upon adjournment."

Speaker Turner: "Allowing Perfunctory time for the Clerk, Representative Currie now moves that the House stands adjourned until Wednesday, May 26th, the hour of 2 p.m. Wednesday, May 26th, the hour of 2 p.m. I'd like to remind the Members again that there will be caucuses on both sides of the aisle tomorrow at 1:00 in the afternoon. So, at 1:00 there will be a Democrat and Republican Caucus, respectfully (sic-respectively). The House will go in Session at 2:00 tomorrow afternoon. The House now stands adjourned."

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

133rd Legislative Day

5/25/2004

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 2800, offered by Representative Joyce, a Bill for an Act concerning criminal law. First Reading of this Senate Bill. Introduction of Resolutions. House Resolution 996, offered by Representative Eddy, and House Joint Resolution 89, offered by Representative Kurtz. These Resolutions are referred to the House Rules Committee."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motion was/were referred, action taken on May 25, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' Senate Amendment #1, a Motion to Concur to House Bill 5415; 'approved for consideration' Senate Bill 1592. Referred to Second Reading. Referred to Second Reading, Senate Bill 1953. Senate Joint Resolution 82, referred to the Order of Resolutions. Concurrences. Senate Amendment #1 to House... a Motion to Concur, to House Bill 916 and Senate Amendment #1, a Motion to Concur, to House Bill 6683. There being no further business, the House Perfunctory Session will stand adjourned."