

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

217th Legislative Day

11/18/2004

Clerk Mahoney: "The House Perfunctory Session will come to order. Referred to the House Committee on Rules, Senate Joint Resolution 89. Referred to the House Committee on Rules: House Resolution 1261, House Resolution 1266 and House Resolution 1273."

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

Pastor Crawford: "Let us pray. Most precious and most sovereign God who reigns supreme, Father, we humbly with bowed heads and bowed hearts reverence You. We reverence You with all of our hearts. We realize that this is a day that You have made and we will rejoice and be glad in that You did. So at this moment we pause before Your presence, we offer You our hearts, our minds, our life, our strengths, our weaknesses. And for all of this, we offer You praise, praise for our life, praise for our health, praise for our strength which we realize comes from You. We ask this and all Your blessings this day. Amen."

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

Franks - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. Please let the record reflect that Representatives Bailey and Giles are excused today."

Speaker Madigan: "Mr. Bost"

Bost: "Thank you, Mr. Speaker. Let the record reflect all Republicans are present today."

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

Clerk Mahoney: "Committee Reports. Representative Boland, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on Thursday, November 18, 2004, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 640. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on November 18, 2004, reported the same back with the following recommendations/s: 'approved for floor consideration' House Resolution 1273 and Senate Joint Resolution 89."

Speaker Madigan: "Mr. Clerk, on page 2 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 81. What is the status of the Bill?"

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Clerk Mahoney: "Senate Bill 81, a Bill for an Act concerning the judiciary. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 218, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 218, a Bill for an Act in relation to alcoholic liquor. Second Reading of this Senate Bill. No Amendments. No Motions... No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, on the Supplemental Calendar #1 there appears House Bill 640. This matter is on the Order of Concurrence. Representative Currie. Representative Currie on House Bill 640."

Currie: "Thank you, Speaker and Members of the House. I move the House concur in Senate Amendment 1 to House Bill 640. Under the Federal Help America Vote Act, there is a requirement that states maintain a statewide voter database. This measure would bring Illinois into compliance with that federal requirement. It would enable local election jurisdictions to continue in the future as they do today to work on voter registration, ferret out those that are duplicate, check those that may be fraudulent and it would require them to send electronically on a continuing basis information about voters within their jurisdiction to the state board. The state board's database would be defined as our state database under this legislation. This measure does have the strong support of

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the all the local election jurisdictions in the state. It is not a favored approach by the State Board of Educa... of Elections, but we do believe that this measure is consistent with the requirements of HAVA and I'd appreciate your support and would be happy to answer your questions."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1. Is there any discussion? Mr. Black."

Black: "Thank you very much, Mr. Speaker. I'll be very brief. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, it's my understanding that there was considerable dispute between the Illinois State Board of Elections and local election authorities regarding this Bill. I'm not privy to the testimony given in Senate committee, but in looking at the Senate vote, that was unanimous, either the State Board of Elections didn't show up or the Senate didn't put much credence in their testimony. I've... I've heard from people on both sides of this issue. And I'm just... I'm just curious why... I... in my wildest dream I didn't think it would get out of the Senate unanimously. I intend to vote for the Bill, but I mean something doesn't seem to be in order here. I mean, I know there was considerable dispute between two entities. How did it get out of the Senate unanimously, given that... that background?"

Currie: "I... I think the answer... and there is a dispute and I think both sides can make good arguments but the local election jurisdictions did have conversations with people

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at the federal level, both from the Justice Department and from the elections board and they... they seem to support the contention that this methodology will meet federal requirements. The state board has a different interpretation and both in the Senate and in House Committee this morning, that interpretation was rejected. They were supporting a bifurcated approach in which registrations coming from the Secretary of State Offices would first go to the State Board of Elections rather than as today being vetted by the local elections authority. And I think the Members of our committee as well as the Members of the Senate believe that a bifurcated approach is not the best approach and believe that our local jurisdictions should retain some authority and accountability to make sure the people who appear on the voter list legitimately belong there."

Black: "All right. I'm glad you mentioned that. And I'm not being facetious or funny when I ask this. I assume this Bill has been reviewed carefully by your technical review staff."

Currie: "Absolutely."

Black: "All right. Because my fear is that there is a potential loss of some of our tax dollars that we so carefully send to Washington could be denied to us if we don't meet all the federal requirements. So, to make me feel better, your staff and our staff, as far as we know, we meet all the federal requirements. We will not be in

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danger of losing our federal tax dollars coming back to help us implement these plans."

Currie: "That is the..."

Black: "Okay."

Currie: "Right."

Black: "All right. Thank you very much."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'yes'; those opposed by voting 'no'. This is final action. Clerk shall take the record. On this question, 116 voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #1 and this Bill, having received a Constitutional Supermajority, is hereby declared passed. Mr. Clerk, on page 2 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 81. What is the status of that Bill?"

Clerk Mahoney: "Senate Bill 81, a Bill for an Act concerning the judiciary. Third Reading of this Senate Bill."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Mr. Clerk, Senate Bill 218, what is the status of that Bill?"

Clerk Mahoney: "Senate Bill 218, a Bill for an Act in relation to alcoholic liquor. Third Reading of this Senate Bill."

Speaker Madigan: "Put that Bill on the Order of Second Reading. Mr. Clerk, on the Order of the House Calendar Supplemental Calendar #1, there appears SJR 89. Representative Monique Davis. Representative Monique Davis, SJR 89."

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Davis, M.: "Thank you, Mr. Speaker. House(sic-Senate) Joint Resolution 89 is a Resolution that denies the waiver request by two school districts: Arlington Heights School District 25, Mount Prospect School District 57. These waivers, the waiver requests, the recom... recommendation by the Chicago Board was for longer use of substitute teachers. I urge an 'aye' vote."

Speaker Madigan: "The Lady moves that the House adopt SJR 89. The Chair recognizes Representative Krause."

Krause: "Thank you, Mr. Speaker. I rise in support of these two waivers and would like to briefly talk to the Assembly about why these two labors... waivers this time should be looked at differently than we have in the past. And if I am correct, I would be asking for a 'no' vote, but I will ask for clarification on exactly how that works with this. Arlington Heights School District 25, Mount Prospect School District 57 are the two districts that have asked for the waivers for the substitute teachers. Both of these school districts may have made a great deal of effort, I believe, on behalf of public education in the... in the communities as well as in the entire northwest suburban area. They are excellent schools and they have worked up on the need for these because they have worked with their school boards, they have worked with their local unions. The IEA local union support the request for the waiver, the superintendents as well as the community and all of the teachers within both of these districts. These teachers who are used for substitute are the ones that the other

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teachers have become accustomed to and rely on for continuity within their district. Arlington Heights School District 25 in their letter to our Education Committee did point out of how they used the teachers for the support that they have received, that they hire certified teachers for these substitute assignments and all they do not qualify for No Child Left Behind funds under Title 1, they employ 'em and that they were willing, also, to have further discussions if it had been possible with the state board as to what else they could put in there in order to get these waivers granted. They did contact the state board and unfortunately did not receive any reception back as far as for these two waivers to try to work out something. Blanket does really work in all cases. There ought to be a look at each school district as to how the waivers would be worked. And I believe that both of these school districts have exemplified the type of public education we want. They have worked with their local unions in support of the waivers and I would ask for serious consideration in support of these two waivers. Thank you."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Resolution. I also support what Representative Krause says. What is the object of waivers if it isn't to look at an individual situation? Since the local unions are in support of this and this has been the way the school district's been functioning, I see no reason why we shouldn't allow them to

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have these waivers. If you pass a law that makes exceptions, why do we always deny them. I think it's not a good thing to do and I think we should actually consider allowing them to consider in the practice that they've been doing for the last number of years. I strongly request that you support the waiver which I think would make what Representative Krause said a 'no' on this Resolution."

Speaker Madigan: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. I would echo would the previous two speakers have said with regard to the waivers for Arlington Heights District 25 and the Mount Prospect District. The teachers that they are hiring are certified teachers, they are used to being in the building. It is an entry level position in effect for their long-term teachers. Their local unions have agreed with this practice for sometime and I would request that we follow Representative Krause's direction. Thank you."

Speaker Madigan: "The question is, 'Shall the House adopt Senate Joint Resolution 89?' Those in favor signify by voting 'yes'; those oppose by voting 'no'. Has Mr. McCauliffe voted? Mr. Churchill, have they voted? Mr. Sullivan, has he voted? Mr. Sullivan has he voted? The Clerk shall take the record. On this question, there are 76 'ayes', 39 'noes' the House does adopt Senate Joint Resolution 89. Chair recognizes Representative Hassert."

Hassert: "Thank you, Mr. Speaker. I move to suspend the requirements for posting on Senate Bill 315, so it can be heard in committee today."

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Speaker Madigan: "The Gentleman moves to suspend the posting requirements so that Senate Bill 315 can be heard before the Executive Committee this afternoon. Is there leave? Leave is granted. Representative Jakobsson."

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

Speaker Madigan: "State your point."

Jakobsson: "I'd like to introduce four distinguished guests in the gallery today. They are students from the University of Illinois: Alyson Kirkpatrick, Allan Niemerg, Sophie Doroba and Ryan Ruzic. They might be trying to reach some of you, if they haven't yet, please respond to their requests and welcome them here today, please."

Speaker Madigan: "Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 1257, offered by Representative Mendoza. House Resolution 1258, offered by Representative Rose. House Resolution 1259, offered by Representative Daniels. House Resolution 1262, offered by Representative Colvin. House Resolution 1263, offered by Representative Feigenholtz. House Resolution 1264, offered by Representative McGuire. House Resolution 1265, offered by Representative Cross. House Resolution 1271, offered by Representative Bassi. House Resolution 1272, offered by Representative Wait. House Resolution 1273, offered by Representative Hultgren and House Resolution 1276, offered by Representative Phelps."

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Speaker Madigan: "Representative Currie moves that the House adopt the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I rise to a written Motion I filed and has been carried on the Calendar. Pursuant to House Rule 18(g) and House Rule 58, I move that Senate Bill 193 be discharged from the House Rules Committee and be placed on the Calen... Calendar Order of Second Reading."

Speaker Madigan: "Mr. Parke."

Parke: "Mr. Speaker after Representative Black's Motion, I'd like to be recognized. Thank you."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker, I object to the Motion."

Speaker Madigan: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. I appreciate the Motion and I understand that the Majority Leader has objected. I would just like the record to reflect that all I was trying to do was to discharge from the Rules Committee the teachers' early retirement option Bill so that we could advance it to Second Reading. We had a hearing, a subject matter hearing, on it this morning. But for Members on both sides of the aisle, under the Rules of the House requiring unanimous consent, my Motion has been defeated. It is within the Rules. However, I again state, I think this rule is contrary to empowering the Members of this Body to hear legislation that our constituents are

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concerned about. I accept the ruling of the Chair. I appreciate the Chair letting me make the Motion. I'm disappointed that there was objection."

Speaker Madigan: "Mr. Parke. Withdraws. Mr. Clerk, do you have an Adjournment Resolution? Read the Resolution."

Clerk Mahoney: "House Joint Resolution 101. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Thursday, November 18, 2004, it stands adjourned until Monday, January 10, 2005 at 2:00 p.m.; and when the Senate adjourns on Thursday, November 18, 2004, it stands adjourned until Monday, January 10, 2005 at 12:00 noon.

Speaker Madigan: "The Clerk has read the Adjournment Resolution and Representative Currie moves that the House adopt the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And the Adjournment Resolution has been adopted. Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker. I have a point of personal privilege."

Speaker Madigan: "State your point."

Hultgren: "We had a House Resolution that was just passed, 1273, and if I could have the House's attention just for a moment."

Speaker Madigan: "Mr. Hultgren."

Hultgren: "Are we gonna do this in a moment, Mr. Speaker? Do you want me..."

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Speaker Madigan: "Mr. Hultgren, let me get back with you on that..."

Hultgren: "Thank you."

Speaker Madigan: "...plus two others. Mr. Sacia."

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

Speaker Madigan: "State your point."

Sacia: "Ladies and Gentlemen in the House, each and every one of us at different times have walked on the east side of this Capitol and have looked with great admiration at many of the sculptures. One of them is of Everett McKinley Dirksen standing beside a Democrat donkey and a Republican elephant. And if you've ever walked close to them, behind their backs their fingers are crossed. Half of the very distinguished team that cast that sculpture is in the gallery today. She is one of the most notable sculptors in the entire nation. Her name is Lily Topol. Her husband Carl and she are very famous sculptors. Carl recently passed away. And we feel so honored to have her with us today. She has sculpted many very remarkable sculptures to include the Lincoln-Douglas debate site of Lincoln and Douglas in Freeport, Illinois. She's an extremely remarkable lady and I feel so privileged that she's one of my constituents. She's in the gallery today. Ms. Lily Topol. Would you make her feel welcome."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would just like to take a moment to thank you,

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all of you, for the privilege of serving with you these past eight years. Thank you very much, it's been an honor."

Speaker Madigan: "Mr. Morrow."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I know that we still have two Veto days left in January. I don't know what's gonna happen to me between now and January, so I guess I should also follow up with what Ricci Slone says that it's been a privilege to have served in this Body for 18 years. I'm not gonna delay the Session to thank all the people that I would like to thank by name, but 18 years ago I was a young man that came down here, did not seek this position. I was appointed, didn't want to take the appointment. And was talked into it by my mentor, Ray Yule, who used to serve in this chamber and the late Mayor Harold Washington of the City of Chicago. There is one person that I would be remiss if I did not thank, or two people, Representative Lou Jones and Representative Arthur Turner for being my big brothers and my big sisters down here in Springfield. And personally, I want to thank you, Mike Madigan, for all the help that you've done... given me, not only as an elected official, but in my private life. I'll never forget when I got married, your wife gave my wife some cocktail napkins with the saying, 'I'm the speaker of this house.' And my wife has taken that literally. But it's been a good ride. It's been a good ride and to those of you who are still here you only come in with two things, your name and your integrity. And

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I feel that after 18 years I'm able to leave with my name and my integrity. Thank you. Thank you very much."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "State your inquiry."

Black: "Yes, thank you. At the appropriate time, I would certainly extend my best wishes to those people who are leaving. But knowing the Veto Session, I did not call for the veto override that I filed in writing on Senate Bill 2272 and I did so because we were still working on some material. But I... I... did not call that when the Chair asked, with the understanding, if I've made a mistake it's mine, but I thought that we would have an opportunity to revisit that request for a veto override that I had filed on 2272."

Speaker Madigan: "Mr. Black, are you stating that you wish to call that Motion now?"

Black: "If the Chair will indulge because if I am not able to call it today, I'll... I'll run out of the time by the time we come back in January."

Speaker Madigan: "All right. So, on the Order of Total Vetoes, on page 3 of the Calendar, there appears Senate Bill 2272. Mr. Black."

Black: "Thank you very much, Mr. Speaker. And seriously, I... I appreciate your indulgence. Ladies and Gentleman of the House, a companion Bill to this sponsored by Representative Froehlich has already passed. I am asking on behalf of the

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Senate Sponsor of Senate Bill 2272 to override the Governor's Veto of what you commonly know as the ATV Bill in state parks. Let me... let me focus and I'll address this in the close. But let me focus on what this Bill is actually about. There's been a lot of misinformation. This Bill is about the use of funds that ATV owners pay when they register their title on their equipment. It is not any authority being granted to anyone, it's being able use the money. The Department of Natural Resources has said and that is in this Bill, that no off-road vehicle can be used in any of the 300 nature preserve sites in the State of Illinois. Those are inviolate. We will not build any ATV trails... trails in those areas. Furthermore, the director of the Department of Natural Resources must sign off on the use of funds for the creation of any trail on DNR land. And let me read a quote from somebody we all served with for many years, Director Joel Brunsvold, as quoted in the May 9 edition of the IDNR, Facing Extreme Cuts column. And the director says, 'Putting all-terrain vehicle tracks in certain state parks, for example, those that grew from strip mining backgrounds would not hurt anything.' Brunsvold said and emphasized, 'I will not do anything like put an ATV trail in a nice, pristine park that simply cannot nor should not handle such a trail.' It's with that background that I ask respectfully for you to join me in overriding the Governor's Veto of Senate Bill 2272."

Speaker Madigan: "Mr. Froehlich."

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Froehlich: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Madigan: "The Sponsor yields."

Froehlich: "Representative Black, just so we can get your intent very clear in the record, do I understand correctly that it's not your intent that ATV trails be built to crisscross our state parks and ruin the pristine environment in those parks?"

Black: "Absolutely not, Representative, and thank you for asking the question. Under no circumstances does this Bill allow an ATV rider to ride anywhere he or she may want to on DNR property. I have a beautiful state park with a serene camping area; no way do I want them ridden in that area. However, we also in my state park, that's Kickapoo State Park, have about 300 acres that was strip mined in the '50s that has not been reclaimed. It is a moonscape. That's the only way I can describe it. If the director were to put a ATV trail on that kind of ground and it is completely removed from campgrounds and other areas, I would be supportive of that. But I think we have sufficient safeguards in this Bill that in no way shape or form... I like to go out camping every once in a while and I certainly don't want to listen to ATVs roaring up and down trails. There will be adequate separation, adequate protections are in this Bill to make sure that does not happen."

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Froehlich: "Okay. I appreciate your assurance that it's not your intent that ATV trails be built where... except in those locations where it would be appropriate. Thank you."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise in opposition to the Override Motion. And the reason I rise in opposition to this Override Motion is number one: the Sierra Club supports the Governor's Veto. The Illinois Environmental Council also support the Governor's Veto. The Governor's message states that this legislation could expose state owned lands, including state parks, to potential trail development. More appropriate sites for off-highway vehicle use should be found that do not infringe on our shared natural resources. I support the Governor's Veto and I do not believe that we should ignore the concern and the constant diligence of the Sierra Club for our environment and especially the recreational areas for families and children. And I urge you to vote 'no' on the override."

Speaker Madigan: "Mr. McCarthy."

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

Speaker Madigan: "Sponsor yields."

McCarthy: "Representative, from your earlier comments I got a little confused. Former Representative Brunsvold and his director of the Department of Natural Resources, they do not support this legislation, do they?"

Black: "It's my understanding that they did not sign in an objection, I believe they were neutral on it. And in his

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column, the director clearly states he sees no problem with this legislation whatsoever. He will have the ultimate authority and any of his subsequent directors as to where such a trail could... could be built."

McCarthy: "Okay. Okay."

Black: "It will be built on appropriate land. And in response to the last Representative, you know, I don't know what we're ever gonna do about false information on this floor. But let me assure you, there is no... nothing in this law... you can't have an ATV in a recreational area sharing space with children and picnickers. That's... that's... that's disingenuous at best and an outright exaggeration at worst. They will be completely and totally separated. The director will have the authority to determine where any of these trails or if any of these trails will be built and he will pick an appropriate site. And I have... I have confidence that the director would do that wisely."

McCarthy: "Well, I thank you for your answer but... and I have confidence in your answer that Director Brunsvold... I thought I was misinformed, to tell you the truth. So he is officially neutral on the... on the legislation."

Black: "Yeah. They... they are neutral. And in fact, in Joel's column, he clearly states that ATV trails in certain state parks, particularly those that grew from strip mining backgrounds would not hurt anything. And I... I can attest that Kickapoo State Park has about 300 acres of the old spoil-banks. I mean, it looks like a moonscape, all right and that might be a site for one. I don't know, I haven't

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asked him to put one there. I don't know what his views are. But those are the only areas that would be involved. And let me again stress, there are over 300 nature or natural preserve areas in the state designated and those are specifically prohibited in the context of this Bill for any such development of an off-road vehicle trail."

McCarthy: "Thank you."

Speaker Madigan: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. I voted 'no' originally on this Bill and I intend to vote 'no' on the override. By opening up all of our state parks to ATVs jeopardizes safety of... the users of... you know, hunting, hiking, bird watching, boating. These people leave the parks unspoiled for the next person to come by and enjoy their favorite activity. ATVs don't leave the parks unspoiled. I urge a 'no' vote on the Governor's override. Thank you."

Speaker Madigan: "Representative May."

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

Speaker Madigan: "Sponsor yields."

May: "Yes. My first question is, I certainly appreciate the fact that you mentioned that the nature preserve areas are excluded. Can you tell me what percentage of our state parks are designated as nature preserves? In other words, what percent are outside the scope of this Bill?"

Black: "No Ma'am, I... I... I can't. That's a question that's never come up in the years we've worked on it but there are nature preserve areas designated in some state parks. And obviously, I have a nature preserve area in my district

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along a river. It's about 150 acres as I recall. And those... those designated areas are prohibited for any development under this Bill."

May: "Right. I understand that and I'm glad that that Amendment was added. I understand that about 90 percent of the parks, though, are not designated as nature preserves and I think that that is a very high percentage. And I guess I'd also ask, did you specifically consider mentioning this one area, you know, that is the strip mine and it might be appropriate for this? Did you consider the Amendment that was offered by the Governor's Office or conservation groups to specifically name certain parks that might be appropriate or to acquire new lands?"

Black: "Representative, no such Amendment was ever presented to me in committee, after committee or when I carried this Bill on the floor. Had it been given to me, I would have certainly been more than happy to present it, consider it. But I can assure you that no such Amendment was ever given to me in any of the process that this Bill has gone through."

May: "So, you didn't see the wording and therefore didn't reject it?"

Black: "No, I... I did not reject it and never did see the Amendment. And nobody has ever talked to me over the months that this Bill has been in the hopper."

May: "Okay. Thank you very much. Mr. Speaker, to the Bill. I rise in opposition to this because a great number of our state parks would be at risk. Even though the nature

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preserves are excluded, that is a minor portion. Open space is very important to us who live in congested areas, who live in the city or the suburban areas as I'm adopted by the Piatt County Farm Bureau. They thought we were rural, they were open, the suburbs, they see how built up we are. Everyone deserves to be able to take a walk in the park, to have peace and tranquility, to hear the birds sing, to not have very loud, polluting machines be driving away birds and perhaps other animals. I don't think that the... that these vehicles are compatible with passive use of parks so that we can recreate so that we can clear our head and go out to these areas. So I stand in opposition. And should this requi... this Bill receive the number of votes, I ask for a verification. Thank you."

Speaker Madigan: "Mr. Osterman."

Osterman: "Thank you, Mr. Speaker. Just an inquiry of the Sponsor. Representative Black, you indicated that DNR is neutral on the Bill?"

Black: "Well, that's my understanding and I'll be glad to give you the column written by Director Brunsvold in which he says he has no problem with this Bill, whatsoever. And when it got out of the House last year, it got 91 votes."

Osterman: "What's the date on the article?"

Black: "May the 9, 2004."

Osterman: "Okay. I just... it's curious that the department would be neutral on a Bill that the Governor vetoed. So, that's my inquiry."

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Speaker Madigan: "Mr. Black, I think we're ready for a Roll Call."

Black: "Yes, Mr. Speaker, if I might close very briefly. Ladies and Gentlemen of the House, I don't know how I can make it any more clear. When people read from prepared scripts and tell you that horrible things will happen and the Bill is simply not drafted that way and in fact, specifically prohibits those kind of nightmares from happening, I don't know how I can answer that. Let me just tell you, when this Bill was before the... the House, it got 91 votes. A companion Bill, passed over the Governor's Veto with 82 votes. Now, I... I don't know how to make this any more clear. And by the way, to the Representative who said about open space, I'm proud to represent a county, my home county of Vermilion has more acres of open space per capita than any county in the State of Illinois. We not only say that we want open space, we have paid a lot of money to create the open space. No ATV trail is going to be built in that pristine open space. The Bill specifically prohibits it. All this Bill does is to say that you can use the user-fee money to build a trail if Director Brunsvold says it's all right. That's all it says. It doesn't deal with anything that isn't already in law except letting us use the money that ATV owners pay to register their ATV vehicle. This Bill has been negotiated for 3 years. If any... at... at... if at any time the Sierra Club or the Environmental Council had come to me, I would've been willing to sit down and negotiate with them.

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I asked them for specific objective criteria that we could put into this Bill, they did not come forward with any specific criteria. A Bill that got 91 votes last April is... been well thought out. It's been around since May. It doesn't do anything that the opponents have gotten up and said. I don't know why we insist on bringing red herrings, if you want to vote against the Bill, that's fine. I respect your views. But I get a little upset when people read from prepared scripts and throw out red herrings against a Bill that has been well... well drafted, well thought out, been 3years in the process and somebody that I served with and respect who now serves as the director of the Department of Natural Resources says he has no problem with because he has the ultimate authority on the Bill. I would ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall Senate Bill 2272 pass, notwithstanding the Veto of the Governor?' Those in favor will signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 66 people voting 'yes', 50 people voting 'no'. And the Motion fails. Representative May."

May: "I'd just like to withdraw the request for a verification."

Speaker Madigan: "Thank you."

May: "And I didn't have that on a prepared script. Thank you."

Speaker Madigan: "All right. Ladies and Gentlemen we are prepared to adjourn. We shall adjourn after remarks by

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Members concerning Resolutions which have been adopted that relate to deaths of military people. So first, there's House Resolution 1273, already adopted. The Chair recognizes Representative Hultgren."

Hultgren: "Thank you..."

Speaker Madigan: "So, Ladies and Gentlemen, please. This relates to the death of an American military person. Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker. If I may ask a question real quickly. There will be other people as well presenting so, is it all right if we just have one moment of silence at the end for the other people that will be recognized? Is that all right? Okay. Real briefly, I wanna point your attention to a hero from my district, 19-year-old Marine Lance Corporal Nick Larson, 19 years old who died on November 9. As we speak right now, he and his family are at the cemetery burying Lance Corporal Nick Larson. Lance Corporal Larson served in the Marines, went to Iraq in mid-June. It was less than eight hours after he arrived in Iraq that he was under mortar fire in June. Served there for several months and then was involved in the battle in Fallujah. His dad has recently written a letter stating a little more about Nick and I just wanna read real briefly some things that were said about him and just the heart that Nick had. After 9/11 occurred Nick told his Mom that he wanted to be involved in protecting America because he wanted to make a difference. And so he practiced, even while he was in high school, preparing for

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boot camp and preparing to be a Marine. He told his family too, how his platoon would save the Skittle candies that came in their military food rations and would hand them out to the children while out on patrol. Nick also carried a plastic Pez candy dispenser with the likeness of Sponge Bob on it and a supply of Pez... Pez candies with him. He loved the look on the kids' faces as he flipped back Sponge Bob's head and they tasted Pez for the first time. 'That was Nick', his Dad said. He went down with his buddy, a fellow Marine at this side, in far away Fallujah with his Pez in his pocket in a fierce gun battle. In his last conversation with his parents, he told them that he prayed for them every night. Nick's message was clear, be tough but fair and most of all love one another. Nick served proudly. He is a hero and we're going to miss him. We do have the Resolution that we'll present to his family as well. And later on I would ask... with... as we have a moment silence for others who have been lost here in Illinois. We've had a really horrible couple of weeks for Illinois loss over in Iraq, but would ask for your continued prayers for his family and his friends."

Speaker Madigan: "On House Resolution 1276, also adopted. The Chair recognizes Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As well as Randy, tragedy has struck my district as well and Lance Corporal, 20-year-old Aaron Pickering of Harrisburg, Illinois. Aaron was killed November 10 in Fallujah. He was the first one in a facility there where

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he was shot to his death. Aaron will always be remembered as a fun-loving, kind-hearted human being who liked to hunt, fish but his true love was golf. At Harrisburg High School he was truly a golf standout and would qualify for state his senior year. But most of all, Aaron's character will be missed because he truly cared for others and gave to others more than himself. We all know Aaron's family's going through a tough, tough time because this is their second child they have lost in just a few short years. So Members of the General Assembly, please join me in keeping this family in your prayers. Thank you."

Speaker Madigan: "Also in House Resolution 1272, which has been adopted, sponsored by Representative Wait, memorializes the death of Lance Corporal Branden Paul Ramey. Mr. Wait."

Wait: "Thank you, Mr.... thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, unfortunately, we lost Branden Ramey from my hometown of Belvidere. He was the homecoming king in that town. He was a all-around athlete. He had just proposed to his fiancé. And unfortunately he was killed in Fallujah. So I just asked this Member of the House to join us in our prayers to his family. Thank you."

Speaker Madigan: "Let us all offer a moment of silence regarding these deaths. Thank you. Representative Currie moves that the House stand adjourned until January 10, 2005 at 2 p.m. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until January 10, 2005 at 2 p.m., providing perfunctory time for the Clerk."

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Clerk Bolin: "Attention, Members. The Executive Committee will meet immediately in Room 118. The Executive Committee will meet immediately."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Thursday, November 18, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 315. Referred to the House Committee on Rules is Senate Joint Resolution 90. There being no further business, the House Perfunctory Session will stand adjourned."