

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

112th Legislative Day

April 2, 2002

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the assistant pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us in the invocation and the Pledge of Allegiance."

Pastor Crawford: "As we lift our hearts before His throne, most gracious and kind Father, we come humbly before You with sincere hearts and voices of trumpets speaking of Your good deeds and declaring Your goodness. For You, Oh Lord, is good and as Your mercies that endured forever, it is because of Your mercies that we are not consumed, because Your compassions they fail us not. For it is Your mercies that are new everyday, for they are to keep us, for they are to guide us, and for they are to sustain us. This we kindly pray and ask in Your Son's name. Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Good morning, Mr. Speaker. Let the record reflect that Representative Wojcik and Representative O'Connor are excused on the Republican side of the aisle."

Speaker Madigan: "Mr. Bost."

Bost: "Also, Representative Mathias is also excused."

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Speaker Madigan: "Mr. Clerk, take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Monday, April 1, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 4727. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Monday, April 1, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #2 to House Bill 4129. Introduction of Resolutions. House Resolution 752 and House Resolution 754 are referred to the Rules Committee. Representative Murphy, Chairperson from the Committee on Personnel & Pensions, to which the following measure/s was/were referred, action taken on Tuesday, April 2, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4318 and House Bill 4506; 'do pass as amended Short Debate' House Bill 4527; recommends 'be adopted' Floor Amendment #1 to House Bill 4509."

Speaker Madigan: "Mr. Boland, do you wish to call House Bill 5601? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5601, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. What House Bill 5601 does is extend absentee voting to any registered voter aged 65 and older who prefers, for whatever reason, not to vote in

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person at their polling place on election day. In other words, it extends the absentee voting privilege to those who are 65 and older on the basis of their age. They have to follow, of course, the typical procedure for absentee voting. This is done by 30 other states, including some of them who are much... who have even younger ages for absentee voting."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you. Can I ask the Sponsor some questions? Is that all right?"

Speaker Madigan: "Sponsor yields."

Cross: "Representative, this appears to change significantly the issue of absentee balloting. Would anybody over the age of 65 be able to vote absentee now under your Bill?"

Boland: "Yes."

Cross: "Why..."

Boland: "Pardon, I didn't hear your last one."

Cross: "Pardon me?"

Boland: "I didn't hear your last... what you said after that."

Cross: "My understanding is purely because of my age I can vote absentee regardless... right now I know there's certain criteria..."

Boland: "Right."

Cross: "...whether I'm going to be out of the country, unavailable. Now, I can be available, I can be in the country, I can be capable of showing up at the voting booth, but because I'm 66 years old I can vote absentee."

Boland: "Right. What this does, as you well know, as all of us well know, that as we grow in age unfortunately health problems increase, transportation problems increase, and it is often a little more difficulty for those who are senior citizens to vote. And so, this gives them another avenue.

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It's done by 30 states, including our neighboring state of Iowa, which allows anybody of any age to vote absentee. I think we ought to be doing all we can to encourage people to vote and I think this would do it."

Cross: "What do you say to the argument that this would increase the risk of, you know,... there right... especially in Cook County you have problems with the fraud associated with absentee balloting. I've been involved in helping some campaigns where... I don't think anyone would argue that there have been some issues of fraud in the area of absentee ballots that have been cast because of the way people have manipulated the system. Why would we want to increase the risk of fraud by passing a Bill like this?"

Boland: "Well, I don't think it would increase the risk of fraud. I don't think that senior citizens are anymore liable to be fraudulent voters than anybody else. And I think that we ought to extend this privilege to'em as 30 other states have done. There's never been any significant..."

Cross: "30 other states don't have a City of Chicago where we've had voting problems over the last hundred years either."

Boland: "Well, a lot of those states have had problems. Take Georgia for example, you're gonna tell me the State of Georgia hasn't had voting problems over the years? My god."

Cross: "It's different types of problems, I would agree with you, in the South than what I'm talking about with fraud in the area... in the City of Chicago. And I think David Orr would concur that there have been problems with fraudulent votes cast. And I think you would agree with that, Representative."

Boland: "Well, I'm glad you mentioned David Orr, because he's the one who actually brought this Bill to me and asked me to

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run it again. We passed it out of the House in the previous term of office and so I think we ought to pass it again. Hopefully, the Senate in their infinite wisdom will have decided to give this a vote over there."

Cross: "Now, Representative, you mentioned that senior... as someone gets older that they have health problems. I'm looking at the current law and the current law allows for one to vote absentee if he or she is physically incapacitated."

Boland: "Right, but a lot of seniors aren't physically incapacitated but they still have other health problems that might prevent'em. And let me give you a good example. Many years ago I ran for the Legislature, there was an ice storm on primary day, on March 19th or March 20th. I can't remember which it was. And an awful lot of seniors told me that they were afraid to go out and vote because of the ice. If they slip, break a hip or something, that they could be incapacitated for quite awhile."

Cross: "Wouldn't you have to make the decision prior to election day? So, I mean how do... Well, maybe in Chicago they know what the weather's gonna be on election day, but for the rest of the state, we don't know that, Representative."

Boland: "Right, and I would say that because we do have our primary in an inclement month, that this makes it even more better for this Bill, because seniors won't have to worry about what the weather's gonna be like on primary day."

Cross: "Well, here's my concern. And I, incidentally, Mr. Speaker, I request a Roll... a verified... that the Roll Call be verified in the event this Bill gets the requisite numbers..."

Speaker Madigan: "Mr. Cross, let me point out to you that this Bill is on the Order of Standard Debate. Mr. Boland has

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spoken for the Bill and you have spoken in response."

Cross: "Well, at this point I'm just asking some questions, Mr. Speaker."

Speaker Madigan: "Right. And that's why I characterized your activity as being in response."

Cross: "Thank you. I..."

Speaker Madigan: "We're not trying to be mean by calling you in response."

Cross: "I certain... I didn't take it that you were being mean, but I appreciate you clarifying that. Would you acknowledge that I have asked for... that the Roll Call be verified?"

Speaker Madigan: "Yeah. Oh sure, absolutely."

Cross: "I'm not trying to be mean."

Speaker Madigan: "We... not you. We know that."

Cross: "All right. Can I ask a few more questions?"

Speaker Madigan: "Please."

Cross: "Here's my concern again and I... again I... and I don't think we should... I mean, it almost seems like we're insulting seniors by saying that over 65, that you're not capable of being able to go vote. And I think that's a slap in their face. But, let's assume that there's some people now that under your Bill, if it passed, there would be significant numbers of people and let's say that they do have some ailments or somewhat incapacitated or a little slow. Wouldn't it... wouldn't they be ripe... wouldn't those people be ripe for a precinct committeeman in a town for instance, like Cicero, if he or she wanted to really control some votes, could bring in that frail 68 year-old person and say here's how I want you to vote? And that's what concerns me, that you're gonna increase the potential for that type of abuse in a town... And I think we would

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all agree that towns like Cicero have had some problems with how they've had people voting. And I think that is the last thing we want to be doing as a state or as a General Assembly to up the potential for abuse."

Boland: "Well, I think... I think just the opposite. I think that most the senior citizens that I've met are pretty strong-willed folks and they're not going to let anybody push'em around. They're the folks who've gotten through the Great Depression, they fought World War II, Korea, Vietnam, and so forth. They're not folks that are going to be pushed around. They're folks who've made our state great and our nation great and I have full confidence that they'll be fully competent in their... in their... in how they're gonna vote."

Cross: "All right, Mr. Speaker, thanks for letting me ask some questions and for not categorizing my position. Thank you."

Speaker Madigan: "Once again, this Bill is on the Order of Standard Debate. One person has spoken for, one has been in response. There are 5 people seeking recognition in the following order: Giles, McGuire, Righter, Garrett, Simpson. Mr. Giles."

Giles: "Yes. Thank you, Mr. Speaker. Will the Speaker (sic-Sponsor) yield?"

Speaker Madigan: "Sponsor yields."

Giles: "Representative Boland, this is... I apologize for my first time really seeing the language of this legislation. If you could bear with me for a few minutes. What is the real purpose behind creating another absentee application?"

Boland: "The purpose, Representative Giles, and I appreciate your questions, is to allow those seniors who, especially... I would see it being even more relevant maybe, in the primary

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season than maybe even in November. But as we know, our elections don't take place in good weather months and I think we need to make it as easy and convenient for people to vote of all kinds, but especially, senior citizens who do have some health problems usually. They do have some more transportation problems perhaps than the general population."

Giles: "Representative, in your opinion, I don't know if you have any statistics or Cook County would have any statistics. Do you truly believe that this will increase the voter turnout among seniors by having a separate application? I mean, the current application that we have now and do have, I believe, considerable space or slots in which elderly or individual can... can simply check the box in which whether it be incapacitated or to show some type of ailment. The current application do have that now. How will this application improve upon the actual turnout of the elderly? I guess that's what I'm trying to decipher in my mind."

Boland: "Well, I think, Representative Giles, I think it would help, because some of our seniors may have, ya know, recurring or off and on type of illnesses that... You know, they may not be able to say, well, definitely on March 20th, I'm going to be in the hospital or something. But you know, they have a hard time getting around, especially as we age beyond 65. I do believe it will increase and I believe that your Clerk... County Clerk, David Orr, believes that it would increase the turnout and help the process."

Giles: "Well, you know, looking at that actual application there's two box... there's two, I believe, lines in which would apply... be applicable to a senior. One will show the incapacitation of that individual and then they will



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have to put down what their ailment is. The other is to state their registration or their ID number on that application, which many seniors do not know and they simply do not do. I think something like that could be addressed. I'm still trying to see exactly what is the major genesis or the benefit behind having a separate application. I'm somewhat reluctant because I think this may increase some percentage of voter's fraud. I'm just not convinced, if you can in the next minute or so, if you can convince me, because in Cook County we do have a high rate of voter fraud. Especially when it comes to absentee and I'm just... I'm just... I believe I'm a little leery and I'm just trying to see the full benefit of having a separate application where I know there's individuals that will take advantage of that process. And I'm just trying to get a clear understanding of what your legislation is trying to do."

Boland: "Well, it's trying to make it more convenient and easier for individuals who are 65 and older to vote absentee, so that they don't have to be extremely incapacitated. They might have just many ailments that might be off and on. They might have transportation problems, especially, I would think as you get into lower income seniors that might not have an automobile, or might not have access to taxicabs, or something like that. I think it would greatly enhance the turnout, particularly of that segment of our society, lower income seniors, but all seniors in particular. I think that, ya know, even... even more affluent seniors that might be, ya know, may be able to provide some transportation, but just the convenience of it increases the voter turnout. I don't think that fraud will increase among this group anymore than it would exist among

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any other group. I think that these are folks who... who have, ya know, they've gone through the Great Depression, they've gone through World War II. I think, as you know, most the seniors that I know and I'm sure most the seniors you know are pretty strong-willed people and they're not gonna let somebody deprive them out of that most precious thing, their right to vote. This helps make it easier for them to vote."

Giles: "Representative, you know, and if I probably lived in your county, I probably could stand with you and echo the same sentiments you just did. But in reality, in Cook County we do have quite a few improprieties when it comes to absentees with the seniors. As a ward committeeman I'm faced with this issue every election. And so I just want to be very clear on the purpose of this particular application, this new application that's being presented. Because I do not want it to continue to open Pandora's Box for any fraudulent type of activity. So, I will be listening to debate and hopefully, at that time I can make a decision. Thank you, Mr. Speaker."

Boland: "Thank you."

Speaker Madigan: "All right. Ladies and Gentlemen, once again the Bill is on the Order of Standard Debate. One person's spoken for the Bill, two have spoken in response. Next person seeking recognition is Mr. Brunsvold for the purpose of an announcement."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Down front, my new granddaughter, Lauren Elizabeth Brunsvold, has Krispy Kremes for everyone to kind of say enjoy. Enjoy the doughnuts. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I'll just briefly rise to

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support Representative Roland... Boland's proposal here. I think the important thing to remember is that the minimum age is 65 on this Bill. That does not mean that only 65-year-olds would take advantage of this. I think that many 65-year-olds will probably not take advantage of this, but many elderly will. And I think it's also a benefit in the way of election turnout. We've always decried the turnout on election day or primary day and this is another way to try to increase turnout, particularly among the aged, who will not come out in bad weather and we can almost predict bad weather in the primaries. So, I think it's a good idea to have an increase in the voter turnout and I really don't think that the 65 or older crowd is the fraud crowd. Thank you very much."

Speaker Madigan: "Ladies and Gentlemen, once again the Bill is on the Order of Standard Debate. Two have spoken for the Bill, two have spoken in response. The next person seeking recognition is Representative Garrett."

Garrett: "Thank you, Mr. Speaker. To the Bill. I stand in strong support of this measure. Many times we talk about reform regarding election and campaign reform. Well, this is one way in which we can demonstrate that we mean what we say. This particular Bill also provides much more opportunity for our senior citizens to participate in the electoral process. As someone who has gone through 3 campaigns in the last 3 years and spent a lot of time going door-to-door, I personally know firsthand that senior citizens are the ones who say to me they don't know if they'll be able to get to the polls on any given election, because they don't know the status of their health. This will eliminate any kind of barrier that may prevent them from voting and we owe our senior citizens that

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opportunity. I hope my colleagues will also support this measure. Thank you."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. Three people have spoken for the Bill, two in response. There shall be one more person in response. The following people are seeking recognition in the following order: Simpson, Black, Righter, and Parke, and Stephens. There will be one person remaining. And do you five people wish to agree upon who should be the last person in response? Mr. Parke, Mr. Black, now we're down to four. Now, we're down to three. Simpson, Black, and Righter. Mr. Righter. Mr. Righter. Mr. Righter."

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

Speaker Madigan: "Sponsor yields."

Righter: "Representative Boland, I've been listening to the debate and I hope others have as well, because I think that anytime we make a decision to try to amend the Election Code, we ought to take that very seriously despite how it may be viewed as a minor change or not. And I want to ask... I have some questions about... First, what... my dad turned 65 last month. If he chooses to... if this Bill becomes law and he chooses to take advantage of this provision, what does he have to do in order to verify to the county clerk that, in fact, he can take advantage of the 65 and over? How does he prove that?"

Boland: "Well, he would have to show some form of identification as far as his age to the county clerk, unless the county clerk already has... he may already have him on the rolls as a voter with age and so forth. So, it may be a relatively simple process."

Righter: "Is there a process by which he can just mail in his absentee ballot and sign it. That's not... he can't do

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that... and sign it and saying that he's birthdate of such and such or he's over 65?"

Boland: "No. This would require the same process of what you do on any other absentee voting. You have to apply for the ballot, it has to be sent to you, then you send it back in."

Righter: "So, the person who is 65 and over has to go to the courthouse in the first place in order to get the absentee ballot?"

Boland: "No. He could apply for it by mail as my 90-year-old mother-in-law does right now."

Righter: "I guess that was the question I asked before, was if there was a mail process involved here where the person doesn't go to the courthouse."

Boland: "Does not have to go to the courthouse."

Righter: "Okay. And what do they have to document in that mailing to demonstrate that they are 65 or older?"

Boland: "They would have to fill out the form and whatever it would have on it. The form would be up to the county clerk to send out."

Righter: "Okay. On that form do they have to include a Social Security card, or a drivers license or a copy of any of that, some kind of official record to demonstrate that they are 65 or older?"

Boland: "I don't think so."

Righter: "So, an individual who wants to take advantage of this can simply sign a form and send it in to the county clerk's office stating that they are 65 or over and that will enable them to vote absentee?"

Boland: "Yes, the records are already there."

Righter: "Okay. Mr. Speaker."

Boland: "The form is in the Bill, incidentally."

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Righter: "Okay. Mr. Speaker, according to House Rules, I'm joined by a sufficient of number of colleagues on my side of the aisle and we'd like to move this Bill from... off of the Standard Debate... off Standard Debate, please."

Speaker Madigan: "Mr. Righter, we'll take the Bill off of Standard Debate and we will give you five minutes."

Righter: "Okay. Thank you, Mr. Speaker. Representative Boland, how did we pick 65, the age 65? Is there a study out there that shows that people reach a certain age they're more likely to become unable to get to the polling place or is that just... you just took that from the Social Security age or how did we arrive at that number?"

Boland: "I took that basically from the standard age that most of us think of senior citizens as 65. However, the definition of senior citizen is set by other states even 60 years of age, but the most common is 65 that have this... have this process."

Righter: "Okay. All right. Now, is there a... I wanna ask, is there a provision in the law now for someone who because they are a nursing home resident, can vote absentee, for that reason and that reason only?"

Boland: "Yes. Yes."

Righter: "There is..."

Boland: "Yes."

Righter: "There's a specific reference to the nursing home in the Election Code?"

Boland: "Yes."

Righter: "Okay. And it says hospitals, that includes a nursing home? It does?"

Boland: "Has been hospitalized within 5 days from the date of the election."

Righter: "Okay. Is there a general coverage in the Election Code

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for someone who is physically infirm or otherwise cannot make it to the polls to be able to vote absentee, regardless of their age?"

Boland: "Is physically incap... incapacitated, yes."

Righter: "Okay. I guess my question then, Representative Boland, if you're trying to reach out to a group who you are afraid they're not gonna be able to get to the polls, isn't that already covered in the Election Code? I mean there's very expansive language in there that says, 'anyone regardless of their age' should be able to do this."

Boland: "No, actually I don't. I think that many people may not be totally incapacitated. They may not be permanently disabled. They may not be in a nursing home, but their ability to get around might be very much limited. Their susceptibility to illnesses might be greatly increased because of their age and as you know and I know, that that happens."

Righter: "Representative Boland, you mentioned, I think, in answer to some previous questions, that your goal here is to reach out to people and increase voter turnout, is that right?"

Boland: "Yes."

Righter: "Okay. It's my understanding and I've not been in politics as long as you have, but it's my understanding that the higher voter turnout... the highest voter turnout numbers we have are among senior citizens. Is that fair to say?"

Boland: "That's true, up to when you start getting into the '70s, then once again it begins to drop off."

Righter: "Okay. The lowest voter turnout, my understanding is from people ages 18-25."

Boland: "That is true."

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Righter: "If we are simply trying to reach out to people, why not reach out to those people and tell them, ya know, many of them go to school and work, have two jobs and try to go to school. Why don't we reach out to the 18-25-year-olds, and say that if they want to take part in the process they can absentee ballot?"

Boland: "Well, I would very much agree with that. I think we ought to make it as easy as possible for anybody of any age that is a legal resident of Illinois to vote. But right now, this issue is just addressing those folks who tend to have a little more transportation problems, a little more health problems, who would like to go out there and vote, who want to vote, but for various reasons they're not able to. Let me give you a good example here. A 70-year-old woman lives alone, not physically incapacitated or totally disabled. Right now she's not legally entitled to vote by absentee ballot in Illinois even though she's in poor health."

Righter: "Okay. Thank you, Representative Boland, for your time. Mr. Speaker, to the Bill."

Speaker Madigan: "Proceed."

Righter: "Ladies and Gentlemen of the House, we have before us a very important piece of legislation. I certainly respect the Sponsor's intent here, along with the groups who're behind this legislation. But if we continue to bring revisions to the Election Code under the guise of we need to make it easier for people to vote, we forget that voting is something that might take a little bit of effort. And that's okay, upholding our system of government might take a little bit of effort. And that's okay. The problem... the problem with voter turnout in Illinois and across the country is not people can't get to the polls. It's that



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people aren't interested, which is a direct reflection on the work that we do here. And I think that while I admire the Representative's intent on this issue, I do not think that this address is at all, the problems that we have with regards to people being interested in the process and voting. And I will vote 'no'. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black for five minutes."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. To the Bill. This Bill has been before us on more than one occasion. Simply to ... I won't go down roads that have been already covered. I think Representative Righter said it very eloquently and I join him in having great respect for the Sponsor and those entities that favor the Bill. But I almost qualify under this Bill. I will qualify under this Bill in about four years and would be able to vote absentee automatically. I have an 84-year-old father and an 89-year-old mother-in-law and that is the generation who takes voting seriously. If you want to take a look at who votes in elections, don't look at the 20-year-olds, look at the 60- and 70- and 80-year-olds. They vote a higher percentage of their registered strength I daresay than any age group in the State of Illinois. And I find this somewhat condescending to just simply say when you automatically hit the age of 65 you're no longer perhaps capable of going to the polls. Don't you ever tell my father that he can't get to the polls, because he'll be the first to knock you down to get there. That's why he's a World War II veteran. That's why he came up through the Depression. He takes voting seriously, and by god, he'll vote no matter what. And when he is incapacitated he will make certain that he avails himself of the law that already exists to let him vote

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absentee. I think he would find this Bill condescending and if I may be so... bold, somewhat insulting. He is a capable man. He will cast his vote rain, shine, snow, you name it. And most senior citizens do. They know it isn't something that should be handed to them on a platter. They had to fight for it. They put their lives on the line... they put their lives on the line for it. And then you come along and say, after you hit the magic age of 65 you can vote absentee automatically. Who knows, as some Representative said, you may not know in October you're gonna be sick in November. You may not know in October that you're gonna be dead in November. The law takes care of that, it allows people to vote when they're not able to do so. And I resent the fact that time and time again on this floor you want to put those of us in our 60's in some category like we're physically and mentally unable to find the voting booth. I daresay people in my age group vote much higher than those of you in your 30's. Don't give us any special condensation. We earned the right to vote. We've protected the right to vote and when we're not able to do so, by god, the law lets us vote absentee. This Bill is condescending and to me, personally, insulting. And I vote 'no'."

Speaker Madigan: "Representative Simpson for five minutes."

Simpson: "Will the Speaker... Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Simpson: "Representative, I noticed on your proponents, did you happen to speak to the Township Officials of Illinois?"

Boland: "The Township Officials did not bring this to me. This was brought to me by Cook County Clerk, David Orr and by many individual citizens, including many of those senior citizens that want to make it as easy as possible for them

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to vote. They shouldn't have to go out and make extra effort. They should qualify as well as any of these other categories."

Simpson: "Representative, in my other life I am a township supervisor and in our county most of the absentee ballots are cast at the township centers. And I would assume that that is the way it is throughout the state. In my township, during the last presidential election, it took four individuals, myself included, who worked nonstop the entire day for two weeks prior to the November election on absentee balloting. None of the township business got taken care of in those two weeks. If we open this up, it more or less presents an unfunded mandate on the township centers. I also run a senior center and I can tell you when you have people... constant stream coming in to vote, ya know, you have to find a place where they can cast their ballot in privacy. And that does become problematic. So, I will have to vote 'no' on this issue. Thank you."

Speaker Madigan: "Representative Stephens for five minutes."

Stephens: "Well, thank you, Mr. Speaker. To the Bill. The Sponsor of the Bill is a fine Gentleman and I'm... I'm sorry that this Bill has his name on it, because I think he's been hoodwinked. Because I'm not used to seeing his name associated with two issues. One, this Bill is an insult to senior citizens. Representative Black talked directly about that and I don't need to expand upon that. This generation that we're talking about in this Bill has paid the price and they think it's an honor to be able to walk past those American flags into the polling place and to cast their ballot. To in any way diminish that and to tell them that they might not be capable of doing that most patriotic of acts, voting in a free election, is an insult

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to senior citizens. I know that that's not your intent, Representative, and I'm sorry that you're associated with that, but it is. The second part of this Bill that I have never seen you associated with and that is the opening of the election process to corruption, because that's exactly what this Bill is going to do. What this Bill... the people that are most excited about passing this legislation is... are those who want to open yet another crack in the dam of freedom and so that we can let a little more corruption pass down. I'm sure that the precinct committeemen in the City of Chicago are glad to have another opportunity. They're probably wondering right now if this passes I wonder how many more people in the cemetery are gonna be able to vote and then we'll blame it on the senior citizens. This is an opportunity for those who think that elections should be corrupt, that whatever method you can use to win is right and fair, they're gonna be excited about this Bill. I know that that is not the Sponsor's intention. I know that he is not a man that supports corruption and I know he is not a man who wants to insult senior citizens, but let it be clear that is exactly what this Bill is about, political corruption and an insult to one of the greatest generations. I'm voting 'no'."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 'ayes' and 52 'noes'. And there is a request for a verification. Mr. Clerk, read the names of those voting 'yes'."

Clerk Rossi: "Poll of those voting in the affirmative. Representatives Acevedo. Boland. Bradley. Brosnahan.

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Brunsvold. Bugielski. Burke. Capparelli. Collins.  
Colvin. Coulson. Crotty. Currie. Curry. Dart. Davis,  
M. Davis, S. Delgado. Durkin. Erwin. Feigenholtz.  
Flowers. Forby. Fowler. Franks. Fritchey. Garrett.  
Granberg. Hamos. Hannig. Hartke. Hoffman. Holbrook.  
Howard. Jones, L. Jones, S. Lang. Lyons, J. Mautino.  
May. McAuliffe. McCarthy. McGuire. McKeon. Mendoza.  
Miller. Murphy, H. Novak. O'Brien. Osterman. Ryan.  
Schoenberg. Scully. Slone. Smith. Soto. Turner, A.  
Yarbrough. Younge. Mr. Speaker."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker."

Speaker Madigan: "Questions?"

Cross: "Representative, just on the verification?"

Speaker Madigan: "Please."

Cross: "Okay. Representative Murphy?"

Speaker Madigan: "Murphy. Is Mr. Murphy in the chamber? Remove  
Mr. Murphy from the Roll Call."

Cross: "Representative Younge."

Speaker Madigan: "Representative Wyvetter Younge. Is the Lady in  
the chamber? Is Representative Younge in the chamber?  
Remove Representative Younge from the Roll Call."

Cross: "Represen... Represent... Mr. Speaker, I'll stop if you're  
gonna... we'll take the roll, unless you're gonna wait  
awhile to see if they come back. I'm trying to... what  
would be your suggestion on how I handle this?"

Speaker Madigan: "Well, Mr. Cross, what's your advice? You seem  
to be one who's willing to give advice."

Cross: "I'm not about to give you advice. I'm asking for your  
advice. I'd stop now if you'd take the roll."

Speaker Madigan: "I'm prepared to take the roll, Mr. Cross."

Cross: "I'll stop."

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Speaker Madigan: "I really don't think this is gonna change the outcome of any elections. Mr. Boland."

Cross: "Unless you're 66."

Boland: "Mr. Speaker, I'd like to put it on Postponed Consideration."

Speaker Madigan: "All right. The Bill shall be put on the Order Postponed Consideration. Representative Howard, did you wish to call House Bill 4098? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4098, a Bill for an Act in relation to the expungement and sealing of arrest and court records. Third Reading of this House Bill."

Howard: "Thank you, Mr. Speaker. House Bill 4098 provides that if a conviction or sentence has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the defendant was factually innocent of the charge, the court shall enter an order expunging the record of arrest from the official records of the arresting authority and order that the records of the Clerk of the Circuit Court and the Department of State Police be sealed until further order of the court upon good cause shown and the name of the defendant obliterated from the official index kept by the Circuit Clerk. This Bill also provides that the State Appellate Defender shall establish, maintain, and carry out an expungement program to have their arrests... I'm sorry, to provide information and assistance to persons eligible to have their arrest or criminal history record information ordered expunged, sealed, or impounded. This Bill provides that the State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site that include at a minimum the following information: an explanation of the state's

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expungement process, the circumstances under which expungements may occur, the criminal offenses that may be expunged, the steps necessary to initiate and complete the expungement process, and directions on how to contact the State Appellate Defender. This Bill provides that the State Appellate Defender would establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement or sealing of arrest or criminal history record information. Also, this Bill would provide that the State Appellate Defender's Office would compile a statewide list of volunteer attorneys willing to assist eligible persons through the expungement process. I ask for support from my colleagues."

Speaker Madigan: "The Lady moves for the passage of the Bill.

The Chair recognizes Mr. Righter. Mr. Righter."

Righter: "Point of inquiry, Mr. Speaker."

Speaker Madigan: "State your inquiry."

Righter: "Is this Bill also on the Order of Standard Debate?"

Speaker Madigan: "Yes, it is, Mr. Righter."

Righter: "Can I inquire as to how many people are wishing to speak on the Bill?"

Speaker Madigan: "Mr. Righter, there are you plus three. Mr. Wright, Mulligan, and Black. Black's kind of a standard, his name never goes off the screen."

Righter: "Mr. Speaker, I'm sorry, I didn't hear that."

Speaker Madigan: "Did you wish to speak? We'll accommodate you. Speak, Mr. Righter. We're all very interested in hearing from you. Proceed. We'll accommodate you."

Righter: "I'm comforted by that, Mr. Speaker, and thank you for that gracious comment. First, I would ask that the Bill be moved off Standard Debate on to Extended Debate and I'm

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joined by a requisite number of colleagues on my side of the aisle to do so, please."

Speaker Madigan: "All right. I've been advised by the parliamentarian that we made a mistake on the last Bill."

Righter: "I did?"

Speaker Madigan: "No, the Chair did. That... that the Rule of 7 doesn't work. Can I make a suggestion? Why don't you speak to the Bill and we'll accommodate everybody. Okay?"

Righter: "I'd appreciate that, Mr. Speaker."

Speaker Madigan: "Mr. Righter."

Righter: "Thank you very much. Representative Howard, this is a long and detailed piece of legislation and I've got some questions on it just to make sure I understand what it is we're trying to do. This Bill will apply expungements to, I know, people who are, their convictions are reversed on direct appeal in the State Court System, is that right?"

Howard: "Correct."

Righter: "On collateral attack from the Federal Courts, is that correct?"

Howard: "That's correct as well."

Righter: "Okay. Any other category of individuals that you can name for me that would benefit from this legislation?"

Howard: "Basically, wrongly convicted individuals."

Righter: "Wrongfully convicted. Okay, how is wrongfully convicted defined in the legislation?"

Howard: "We're looking for that, but basically, we're talking about individuals who have been convicted and evidence or other activity has taken place that has resulted in those persons no longer considering... considered to be guilty of that particular crime."

Righter: "Okay. Representative perhaps while..."

Howard: "And the courts have released them from... they've been



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released from the Department of Corrections. I'm told that the more legal term is 'factually innocent'."

Righter: "Factually innocent?"

Howard: "Yes."

Righter: "And that's a finding made by the court, is that right?"

Howard: "That's correct."

Righter: "Okay. If someone is... his conviction is reversed on appeal at the State Court level, okay, how does the expungement process then work? What procedures have to be gone through in order for someone to have their record expunged? Does the pers... does the defendant have to file any petition or complaint or any thing like that to have that done?"

Howard: "Yes."

Righter: "Okay. And do they do that in the Trial Court level where they were convicted originally, or do they do that in their appellate case?"

Howard: "The Trial Court."

Righter: "Okay. And the court has to make a finding that this person is factually innocent?"

Howard: "That's correct."

Righter: "What is the burden of proof in order for that... for the court in order to make that determination?"

Howard: "Clear and convincing evidence."

Righter: "Okay. What procedures are in place, Representative, at the Trial Court level in order to have a hearing on this matter? I mean, is the State's Attorneys Office gonna be allowed to present evidence that the person while maybe having been acquitted at the... or their conviction reversed at the Appellate Court level is still someone the court should not consider to be factually innocent, is there a trial... another trial?"

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Howard: "If the decision is reversed by the Appellate Court and goes back to the Trial Court, it is at that time that there will be a decision made by that court."

Righter: "Okay. Tell me what rights those parties have at that point, Representative, the State's Attorneys Office... the State's Attorneys Office believes that they have the right person, but because of some kind of procedural error or whatnot... they do believe they have the right person that really committed the crime and we know that happens. What do they have to do in order to avoid a ruling by the court that this person is factually innocent? Do they put on... do they put on all the witnesses? I mean, if they had 20 witnesses at trial do they have to put all 20 of those on again?"

Howard: "Representative Righter, I understand that it's... it would be a standard procedure as is the case now."

Righter: "Okay, a standard procedure according to what kind of hearing, preliminary hearing, a motion to suppress, a trial? I mean, there are all kinds of hearings that we have at the Trial Court level in Illinois in criminal law. Many carry different burdens of proof and I'm trying to get a hold on what exactly the state's gonna be required to do in order to avoid that... that finding?"

Howard: "Yes, Representative Righter, if the Appellate Court decides that there ought to be a reversal of conviction, it obviously goes back to the Trial Court. You hear both sides of the question, and at that time a decision is made."

Righter: "Okay. And I appreciate that both sides will be heard and I guess I'm asking for a little more detail, Representative, because this does concern me as someone who was a prosecutor for five years. And let me give you an

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example, as..."

Howard: "Will it help you... or help you if I say it will be a hearing before a judge?"

Righter: "Well, I was assuming... I was assuming it was a hearing before a judge. But here, let me give you an example. In some types of hearings before the Trial Court, hearsay is admissible. In a trial, generally, that is not true with certain exceptions. At the hearing to determine whether or not someone is factually innocent, is hearsay gonna be admissible across the board or is it gonna be subject to the same exceptions as if we were actually at a trial on the merits?"

Howard: "Standard evidentiary procedure is the... will be the order of the day."

Righter: "Who... the defendant has the burden of proof to demonstrate that they are factually innocent?"

Howard: "The defendant does have the burden of proof, yes."

Righter: "Then, how is that... how will that be handled at the Trial Court, Representative? Will the defendant be allowed to put on evidence first and has to meet that burden and if they do not meet the clear and convincing burden after presentation of their evidence, then what... does the prosecutor have a right to file a motion, some kind of judgement motion so they don't have to have all 20 of their witnesses back immediately, which may have come from out of town or out of county?"

Howard: "Representative Righter, clear and convincing evidence at the time of the retrial and at that time the judge will make a determination of whether or not there is factual innocence and of course, if that's the case, we are now able to talk about expungement being appropriate."

Righter: "Well, let me back up a little bit then, Representative

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Howard. Are the specific procedures that will have to be outlined at the trial followed, at the Trial Court level, on this hearing, those specific procedures outlined in the Bill?"

Howard: "They are not."

Righter: "So, who's gonna make the decision then, about how the hearings take place at the Trial Court level? And here's my concern, Representative Howard. I know that you're pursuing very hard an issue of... for lack of justice, that you are pursuing that. But, if the hearing in Cook County that the defendant has to go through is different from the hearing in Coles County which is different from the hearing at Madison County, then what... I'm not sure what we're affording these defendants, because we're not going to be affording them everything according to State Law. I mean, the procedure they have to go through in one county may be different than the other and then you have to ask yourself, are we really affording the same justice to all the people who are in this situation. Do you understand my concern on that regard?"

Howard: "It's my understanding, Representative Righter, that all counties follow the same procedure. We're... we're merely saying... we're merely saying that if there have been a reversal of that conviction, that the record ought to be expunged."

Righter: "I... I'm sorry, Representative, I did not... I didn't hear that last response."

Howard: "It is my understanding that all counties follow the same procedure for a retrial."

Righter: "Let me ask... Representative Howard, I'm wanna ask you just one last question, because I know there's other people that are wanting to inquire. And that is, is the term

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'factually innocent' defined in the Bill?"

Howard: "It is not defined in the Bill."

Righter: "Will it be up to the judges then to define 'factually innocent'?"

Howard "Yes."

Righter: "Okay."

Howard: "It will be the discretion of the judge."

Righter: "Representative Howard, I guess I have to say that causes me another very deep concern. One of the problems that we have here is that if we do not articulate exactly what we mean throughout a Bill that becomes law and give instructions to the courts, then the courts decide for themselves what the term 'factually innocent'. And I think that you run into the same problem that you have with the type of hearing you're gonna have at the Trial Court level and that is that a judge in Cook County or Coles County or Madison County, those three judges may not define 'factually innocent' the same. And if you have a judge in one county with some set of circumstances said, well, this person's factually innocent, then the next county over, that same person who should be entitled to that same degree of justice, isn't gonna get it because that judge is defining the term 'factually innocent' differently. Is there a reason why... why don't we define 'factually innocent' in the Bill? I mean that's the crux of the Bill. Everything from the Bill operates from the term 'factually innocent'. Why don't we have that defined?"

Speaker Madigan: "Mr. Righter. Mr. Righter."

Howard: "Yes, Representative Righter..."

Righter: "This is my last question, Mr. Speaker."

Howard: "I am told that there are many terms, and I'm not a lawyer, so I'm getting advice as you can see. But I'm told

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that there are many terms in criminal law that we do not define, such as reasonable doubt. So, the judge makes the determination."

Righter: "Okay. Thank you, Representative Howard. Mr. Speaker, thank you for your generosity."

Speaker Madigan: "Mr. Wright. Mr. Wright, we'll give you five minutes. Can we do that?"

Wright: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Wright: "Representative Howard, it's my understanding that the intent of this Bill is to do away with the requirement that a person file a petition, appear before the court to have a conviction overturned expunged, is that right?"

Howard: "That is correct."

Wright: "And part of that motivation is in order to do away with the need on a person who's perhaps poor or indigent and can't afford to hire counsel and it's unclear whether public defenders would intercede at that point on their behalf, is that right?"

Howard: "Correct again."

Wright: "Now, I want to follow up on some of Representative Righter's questions. The determination of whether the defendant is factually innocent, is that made by the Appellate Court or the Trial Court? Because in committee it was my understanding that that would be part of what the Appellate Court would do in overturning the conviction is finding that they were factually innocent."

Howard: "It is initially... that is the determination is initially made by the Appellate Court."

Wright: "Okay. Then what if any hearing is needed at the Trial Court if the Appellate Court has made the determination that the defendant is factually innocent?"

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Howard: "In fact, I agree that if the Appellate Court makes that decision we certainly don't need, in my opinion, the Trial Court to make that decision as well."

Wright: "And that's part of my question. I was unclear, because when in committee there was really no discussion about another hearing being held. It was a determination made by the Appellate Court and then it would be in effect an automatic expungement. It would be taken off the record if the Appellate Court determines that the person was factually innocent."

Howard: "Yes, that is what the Bill is proposing."

Wright: "Okay. And if the person... if the conviction is overturned based on procedural issues, does this provision kick in, or if it's... only if the defendant is determined to be factually innocent?"

Howard: "The answer to your question is, 'no'. It does not cover that. It only covers the reversal because of factual innocence."

Wright: "Okay. So, due process or a due process claim wouldn't necessarily invoke this provision, is that right?"

Howard: "Correct."

Wright: "Okay. And does it deal with the situation where an Appellate Court's decision is appealed and pending appeal, does this provision still apply even though the Appellate Court's decision is being appealed?"

Howard: "The expungement would not go forth until the other procedure has been completed."

Wright: "So, it has to come to a final conclusion?"

Howard: "Yes."

Wright: "Okay. I have no other questions. Thank you, Representative Howard. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Mulligan for five minutes."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, you have a series of Bills that address expungement, don't you?"

Howard: "That's correct."

Mulligan: "And this one only applies to someone that has been cleared of the offense that they've been..."

Howard: "That is correct, as well."

Mulligan: "All right. And you have not amended any of the other Bills in there?"

Howard: "I'm sorry, I can't hear ya."

Mulligan: "You have not... You have not amended any of your other Bills into this Bill, it's just the one Bill?"

Howard: "I have not."

Mulligan: "Okay."

Howard: "And incidentally, Representative Mulligan, this exact Bill came out of this House last time, last year, by a vote of 114-1."

Mulligan: "I'm not opposed to your Bill. What I am interested in, although this Bill seems to be limited to just a certain scope, so I don't particularly see a problem with it and I looked at the fiscal notes. There were some concerns once again from MADD and the Illinois Coalition Against Domestic Violence. But if someone has gone back and they're innocent, then I don't see why you wouldn't just automatically do that, because that person has probably spent a considerable amount of money or if they've had a public defender a considerable amount of money has been spent already to prove that they're not there. I am interested in some of the other issues. And are you going to call any of your other Bills besides this one?"

Howard: "There is... there are two other Bills that did come out



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of the committee. Decisions have not been made on those because of the time constraints, we shall see."

Mulligan: "Have there been any studies that you've based this on or anything that you... reason particularly why you've done just this Bill?"

Howard: "Well, this was the one that I believed was covering two important areas and that's why I brought this one first and obviously, if there is time, then I'll consider doing other things as well."

Mulligan: "All right. Did you answer the questions that MADD would have or the Illinois Coalition on Domestic Violence? I would think if the person is proven innocent that it wouldn't apply."

Howard: "I never knew that there was any objection from them on this Bill. I know that some of the others, there were objections."

Mulligan: "Okay. This... this is an issue with Work Force Development which Representative Hamos and I serve on as far as expungement goes, because it is a very big reason for unemployment. And that a more comprehensive Bill, maybe one of the others that you have, I think would be an interesting thing to pursue because of the fact that it is such a big area where people are not able to gain employment. So, I commend you for what you're doing. I don't see a problem with this particular Bill if the State's Attorneys are... you know, find that it's appropriate. And how many actually people would it involve every year, do you think?"

Howard: "What was that question?"

Mulligan: "About how many people do you think this would involve every year?"

Howard: "That's difficult. That's difficult to say, not a

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considerable amount, of course. There have been people who we know who've had their convictions reversed and those are the ones that are obviously in the news media. But we don't think that there will be an awful lot of them."

Mulligan: "Were there any studies done or when they were working on the things that looked at what happened with prisons, were there any studies done that showed how Illinois could address this problem, since it's such a big area in unemployment?"

Howard: "Well, I understand that Representative Johnson has done some things and he's going to make his information available to me, but I cannot cite from it at this point."

Mulligan: "I thank you. I'll be happy to support your Bill."

Howard: "I appreciate it, thank you."

Speaker Madigan: "Representative Johnson for five minutes."

Johnson: "Yes, to the Bill. Ladies and Gentlemen here in the chamber today I rise in strong support of this piece of legislation that Representative Howard brings. And I'm only gonna speak once today. She has I believe another Bill coming up, as well, on expungement. As you all know, we have spent a lot of time over the last five or six years dealing with this whole issue of recidivism and restoration of people's lives back into community. Ya know, unfortunately, criminal law over the last ten or fifteen years in this country has been used by many of us as political footballs. And it applies to both sides of the aisle. It applies to every campaign out there. Ya know, back in the early '90s I sponsored and really pushed through along with a number of others, truth in sentencing. Representative Dart and I worked on a lot of issues that dealt with strengthening the punishments as it relates to criminal law. As you know, many of you put in Bills every

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year that would extend the sentence one additional year... one additional year. And this of course, makes us tough on crime. I'm a firm believer that we need to be tough on crime. We have given law enforcement tremendous tools and I think it's reaped good results through the '90s. But we also have to recognize that all of these human beings that commit these heinous crimes and some of them not so heinous, serve out these penalties and they serve their time. And what do we do in the General Assembly, oftentimes we say let's add another background check. Why do we do background checks? We do background checks when we have six or seven Bills every year to add another background check for this job, that job, et cetera. And it's so that these people who have committed an offense, who have served their time, hopefully, have an opportunity to change their lives, will never get a job. Now, you know, there are portions to criminal justice that we all have to deal with in a more macro sense. We need the tough penalty. We need people to take responsibility for their actions. But we also need to focus on restoration of people after they have made these mistakes, served their time, that we give people an opportunity to get on with their lives. There are many victims to crime. There are the victims who are actually the direct victim. Research is now showing that 70-80% of the children of an incarcerated inmate will become incarcerated. We have put scarlet letters on an awful lot of people and we never want to remove'em. I applaud Representative Howard in her reasonable attempts. This particular Bill says where somebody is actually innocent, they ought to be able to have their record expunged. Of course it ought to be expunged and it ought to be expunged immediately. It

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should not be another step. She will have another Bill that after people have shown time on the outside that they have complied with law, that they have a right to come and get that record expunged. But we also need to focus on the rest of our society, the editorial boards, our communities. That even though somebody does have a record they are entitled to get a job when they get out. We need to somehow figure out a massive restoration, because the victims are the community, they are the state, and they are the actual recipient of the action. And I believe that too often we focus on just the incarceration aspect. And even that aspect is a problem of throw away the key. Representative Turner and I have a Bill in right now just to open a debate. I don't know what the answers are. But you know we have mandatory minimum sentences of one to four years for a lot of Class IV felons. I don't know whether this Body understands that we incarcerate 8 to 12,000 individuals in this state on any given day. That's one quarter of the population of this state that we put in Department of Corrections for two to six months and that's tough on crime. Well, let me tell you, we've got to figure out some other methodology as it relates to restoration. And it doesn't mean that by doing these things the next campaign brochure will come out and say I'm soft on crime or I'm weak on crime or I'm strong on crime. We've gotta get away from that and we've gotta be smart on crime. And we've got to get into the restoration process. And, Representative Howard, I commend you for your efforts. I hope you keep on with'em long after I'm out of here. But I really do hope that we get away from these campaign brochures that turn around and politicize criminal justice, because in the process we are ruining many, many lives.

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And we have to restore people to useful citizenship again.

And so congratulations, Representative Howard."

Speaker Madigan: "Representative Soto for five minutes."

Soto: "Thank you. Thank you, Speaker. To the Bill. I wanted to thank my colleague, Representative Howard, for continuing to fight for parity. For the people who are in the criminal justice system, especially for those who are wrongly convicted. Not that I have a member of my own... but you know what, I am sensitive to it. And I would not want one of my own to be treated the way that the ones that are there and we wrongfully convicted, be treated like that. I want the General Assembly... I would like to have your attention, please. Can I have your attention. I think that we should be more sensitive to these issues, they're very important to the people who we represent. It is time that we start working together. And I want to commend Representative Howard for being the leader. Since I have gotten to the General Assembly you have shown your leadership, you have demonstrated over and over that you are a true leader. I am proud to be your friend and I want to be just like you. I urge my colleagues and everyone here in the General Assembly that please, please support this leader here in this General Assembly. Believe me, you would be making the right choice. Again, thank you, congratulations and thank you for all you do."

Speaker Madigan: "Representative Monique Davis for five minutes."

Davis, M.: "Thank you, Mr. Speaker. I would just like to join my colleague, Representative Johnson, in my support of this legislation and proudly stand with those other 115 Members who voted for this legislation prior to... when it was House Bill 300. I believe that in the State of Illinois, just as in many other states, our objective should be to

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hopefully employ as many citizens as well as residents of the State of Illinois, as others do in the states in which they reside. This legislation will lead us, I do believe, into an era in which the taxpayers' pocket won't be so harmed because we must care for those who cannot be gainfully employed and care for themselves. This legislation, Mr. Speaker, will allow people with families, with children, who are sons, who are daughters, who are brothers, who are sisters to be respected as the wage earner and the member of the family who can support and take care of him or herself. I'm proud to be a cosponsor of this legislation with Constance Howard. And I know that she will get all 118 votes. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Howard to close."

Howard: "Yes, thank you, Mr. Speaker. And I thank all of my colleagues for the very kind words. I just ask that everyone consider what I'm trying to do here and please, give me your vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Chair recognizes the Clerk for a Committee Report."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 2, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' House Resolutions 572 and House Resolution 574, Floor Amendment

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#2 to House Bill 3682, Floor Amendment #1 to House Bill 3705, Floor Amendment #3 to House Bill 3744, Floor Amendment #2 to House Bill 4053, Floor Amendment #2 to House Bill 4106, Floor Amendment #1 to House Bill 4172, Floor Amendment #1 to House Bill 4220, Floor Amendment #2 to House Bill 5578, Floor Amendment #1 to House Bill 5789, Floor Amendment #1 to House Bill 5870, and Floor Amendment #1 to House Bill 5908."

Speaker Madigan: "Mr. Acevedo. House Bill 4074. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4074, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4074 authorizes the hiring of retired law enforcement officers to conduct electronic surveillances from a centralized post. These officers would undergo the necessary training required of surveillance officers. Currently, this task is being performed by full-time investigators. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Monique Davis."

Davis, M.: "Representative Acevedo, you... we just spoke, but I didn't quite understand what your legislation is to accomplish."

Acevedo: "Representative, I didn't hear one word you said and I didn't even understand it. So, can you repeat it?"

Davis, M.: "I didn't understand what your Bill is supposed to accomplish."

Acevedo: "It authorizes the hiring of retired law enforcement officers to conduct surveillances."

Davis, M.: "It allows law enforcement officers to... retired law

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enforcement officers to conduct surveillances?"

Acevedo: "Yes."

Davis, M.: "On criminals or suspected criminals?"

Acevedo: "Suspected criminals."

Davis, M. "So, what do you have to do to become a suspected criminal?"

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

Davis, M.: "I mean what would make you a suspected criminal? Certainly there has to be some behavior that would lead to this surveillance."

Acevedo: "Obviously, if they're doing an investigation on that person, he's a suspected criminal. I don't believe they're going to do any surveillance on some innocent person or innocent citizen. There would have to be a reason for it."

Davis, M.: "Representative, are these current police officers or retired officers?"

Acevedo: "I'll repeat it for the third time, Representative..."

Davis, M.: "Thank you."

Acevedo: "... retired, retired police officers."

Davis, M.: "These are retired police officers across the State of Illinois?"

Acevedo: "Yes."

Davis, M. "And they would be hired by the investigative unit of the police in order to survey somebody's behavior or..."

Acevedo: "Actually, right now, the Cook County State's Attorneys Offices are... their investigators are the ones performing electronic surveillances. So, this would allow full-time investigators who are now currently doing the job, it would free them up to do surveillances on the street, where it would also help out retired police officers who've gone through specific training to do the job."

Davis, M.: "Are there any opponents to this legislation?"



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Acevedo: "Not that I know of."

Davis, M.: "Who are the proponents?"

Acevedo: "Cook County State's Attorneys Office, Illinois State Police, and the City of Chicago."

Davis, M.: "Well, why is this needed, Representative? Why do we need this legislation?"

Acevedo: "Well, Representative, first of all, the reasons for this Bill would reduce the cost of paying these investigators. Because retired police officers who are doing these surveillances would be hired on an hourly basis, where the full-time investigator, if he's doing surveillance for 3 hours, he's gonna get paid for 8 hours."

Davis, M.: "So..."

Acevedo: "Also, it would allow more active investigators to be on the streets instead of doing the cond... the electronic surveillances."

Davis, M.: "So, we would hire retired police officers to do the surveillance and it would free up the current police officers who are not retired to do something different. I mean, I would be surprised that the police officers would support this, because it would seem that they would be, ya know, allowing someone else to take their employment."

Acevedo: "Representative, I don't think you're understanding what this does. It's electronic surveillances. It's not your street surveillances, it's electronic surveillances."

Davis, M.: "Electronic. Can you tell me exactly what electronic surveillance is? I apologize for my lack of knowledge in that area."

Acevedo: "I'm sorry, repeat that."

Davis, M.: "Is that wiretapping?"

Acevedo: "Pardon?"

Davis, M.: "Is that wiretapping?"

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Acevedo: "It would be audio."

Davis, M.: "You take pictures of people?"

Acevedo: "No, that would... that would... that's not electronic surveillances..."

Davis, M.: "So, it's not pictures?"

Acevedo: "It wouldn't be videotaping."

Davis, M.: "It's like listening in on their telephone conversations?"

Acevedo: "Yeah."

Davis, M.: "And if you just suspect that they are criminals with out any proof or any... you don't have to go before a judge you can just to decide to tap somebody's telephone?"

Acevedo: "Okay, Representative, you do have to apply for an order from the judge to do these surveillances. Now, a perfect example would be if they're suspected drug dealers."

Davis, M.: "Representative, would you define 'surveillance' for us? What definition would you give us for 'surveillance'?"

Acevedo: "It would be to intercept the speech or any other audio communication between two parties by a device."

Davis, M.: "You would intercept the speech of the suspected person? Would... would... would you do this in their automobile, in their home, in their office? Where would this be done?"

Acevedo: "Are you talking about the officers or are you talking about the people who are... they're doing the surveillance at. I don't understand the question."

Davis, M.: "I would like to know exactly where would the surveillance occur. Would the retired police officer be granted authority to do surveillance in a person's home, with their children, with their husband or wife? Would they do this eavesdropping in the person's automobile as they're traveling to and fro? Would they do it at their

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place of employment? Where would the surveillance occur?"

Acevedo: "Okay, Representative, as I said twice already, it's in a centralized location where two to four people are put in a room and are listening to the... to the... conversation."

Davis, M.: "Two or three or four people are put in a room and listen to someone else's conversation."

Acevedo: "That's current practice, yes."

Davis, M.: "So, in other words... in other words, you could be in your office on the phone talking to your wife and in some room located near you, there could be four strangers listening to your conversation and you don't even know why? You have no idea that you are suspected of something and some strangers are listening to your conversation."

Acevedo: "Well, Representative, if you were a suspected drug dealer they have every right to do that."

Davis, M.: "Well, to the Bill, Mr. Speaker. We can always use suspected drug dealers. Everybody can be a suspected drug dealer if we want to listen in on their conversation. Maybe we want to hear what they're talking about politically. Maybe we want to hear about their banking information. Maybe they're not drug dealers at all. Maybe they have absolutely nothing to do with drug dealing. Now, are you saying to me that because we don't have this legislation we can't catch drug dealers? This is the legislation that's gonna give us a freedom of drug dealers in Illinois. This is the legislation that's going to say to America, this is where we can catch drug dealers or, Mr. Speaker, do we already have enough laws on the books to catch drug dealers? Is this legislation to invade the privacy of everyday hard working citizens? I'd like to hear some of our attorneys ask questions on this Bill. Thank you, Mr. Speaker."

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Speaker Madigan: "Mr. Miller, are you the attorney that she's referring to?"

Miller: "Yeah. As long as they're not the dentist. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Miller: "Representative Acevedo, I just need... I'm just going to ask a few questions in regards to clarity. The retired officers are hired by the State's Attorneys Office or some entity or can a band of retired officers get a permit to do electronic surveillance on their own?"

Acevedo: "No. They have to be hired by a State's Attorneys Office."

Miller: "So, basically, this service is going on right now, today."

Acevedo: "It's happening right now."

Miller: "And basically, the genesis of this is just saying, well let's get a cheaper work force..."

Acevedo: "Absolutely."

Miller: "... to do this surveillance as opposed to full-time guys, union people, I should say."

Acevedo: "Absolutely. This legislation... all we're doing is trying to save some taxpayer money."

Miller: "Okay. And I guess, my last question just so... just want to be very clear that... I guess, how do you obtain certification in electronic surveillance? What do you do?"

Acevedo: "Yeah, the Illinois State Police will certify them and the retired policemen would have to go through necessary training to become a surveillance officer."

Miller: "Okay, and they get some type of certificate?"

Acevedo: "Yes, they would have to go get some kind of training, yes."

Miller: "Okay, and then they're eligible and their job

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requirement or something... a retired officer would have to go... if they didn't have training before, would have to go to this training, get this training, and then be eligible to be hired."

Acevedo: "Right. Anybody would not be eligible to go take this type of training. If they are applying for the job, they would have to go through the training in order to first be hired."

Miller: "Okay. I gotcha. So, they just... I couldn't go in and get training?"

Acevedo: "No. Anybody cannot just walk in there. It has to be for a necessary department. The department would probably take you... allow you to go to that class."

Miller: "Okay, and as far as the investigations are that are ongoing the State's Attorney or... would assign myself to this particular drug corner to survey this, as opposed to me just going out and finding people."

Acevedo: "Now, Representative, this deals with... we have to be perfectly clear on this. It's retired police officers who are in a room doing their electronic surveillances. This is not going out in the street looking for drug dealers or standing out on the corners and videotaping, that's the job for the full-time investigators to be doing that. That frees them up to go out there and do the street surveillances, where this legislation deals with retired policemen sitting in the room doing absolutely what's being done right now."

Miller: "Okay, thank you."

Speaker Madigan: "Mr. Delgado."

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

Speaker Madigan: "Sponsor yields."

Delgado: "Representative, this isn't a real unique concept."

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Isn't it true there's other agencies, federal agencies that utilize this practice?"

Acevedo: "Yes, presently the DEA and FBI do this right now."

Delgado: "And the purpose of that is to free up manpower for a little bit more severe type cases. And does this save money by doing it this way"

Acevedo: "Yes, this would save up money as far as they would be paid by the hour."

Delgado: "Okay, so they'll be paid by the hour, rather than paying full-time investigators to do the same job. Is that correct?"

Acevedo: "Yes, that's correct."

Delgado: "And other... so, basically, the FBI does it, the DEA does it and this is just trying to bring on... instead of outsourcing it, part-time workers who have institutional knowledge of the criminal justice system to carry out safety measures on our streets. Is that correct?"

Acevedo: "Yes, that's correct."

Delgado: "Thank you. To the Bill Mr. Speaker. We're all cautious at making sure that our civil liberties are protected and I'm one who fights diligently for that all the time. And it's a constant battle of balance. But this is a tool that pretty much is saying... they're already having electronic surveillance. We have a lot of civil liberties that make sure the unions and make sure that those rights are not abused. So, we have the premise, we have surveillance, we have a lot of great guys and women out there that could be doing other great important work to protect our kids and moms out in the society. And this would just allow those particular police agencies to hire retired officers that have all this knowledge, all this money we've spent on them, and they were gracious enough to

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come out of retirement and want to continue to do this kind of work and possibly put their life at danger. This is a no-brainer. We all need to vote 'green' up there. Our concerns are when we vote on a Bill and send it back to the community we have plenty of people to make sure that it doesn't disproportionately affect our population one way or the other. And I totally rise in total support of this legislation."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 108 people voting 'yes', 4 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 4369?"

Clerk Rossi: "House Bill 4369 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Representative Cowlshaw. Did you wish to call House Bill 5663? 5663. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5663, a Bill for an Act relating to schools. Third Reading of this House Bill."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Representative Franks and I both had this same concept in mind and we both introduced Bills that would accomplish exactly the same thing. It is a very simple Bill. In the requirements for the school report cards that every school district in Illinois is required to publish annually, there are a lot of details that are given

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as far as the expenditures that are made by school districts, so that everyone is aware of what those are. However, those are not particularly meaningful to the ordinary citizen who may be looking at that report, if they have no idea how much income the school district had, which right now is not required to be posted in that report. So, Representative Franks and I simply would like to have it adopted today for there to be a requirement in very simple terms, nothing elaborate, nothing difficult. And the facts are already available in the school district as to what their total annual income was during the same period for which they are reporting the expenditures. And if I may have your permission, Mr. Speaker, although I am introducing this Bill, I would greatly appreciate it if you would recognize Representative Franks to close. Thank you."

Speaker Madigan: "Mr. Franks, you're up. Mr. Hartke in the Chair."

Franks: "I want to thank Representative Cowlshaw. This is a commonsense Bill. Right now, we don't know whether our school districts are deficit spending. All we know is how much they're spending, but we don't know how much they're bringing in. This is a way to put sunshine and light on the issues of school spending and it's very necessary legislation. I very much appreciate working with Representative Cowlshaw on this matter and we would both ask for your support on this Bill. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 5663?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members



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voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5663. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5846. Representative Bradley. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5846, a Bill for an Act concerning environmental safety. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5578. Mr. Brosnahan. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5578 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Brosnahan, has been approved for consideration."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. House Bill 5578, the underlying Bill eliminates the statute of limitations for any offense involving sexual conduct or sexual penetration in which the DNA profile of the offender is obtained. Amendment #2 is simply clarifying language. It also states that the victim also has to report the offense to law enforcement authorities within two years in order for this to take effect. I'd be happy to answer any questions. And I would move for the adoption of Floor Amendment #2."

Speaker Hartke: "Is there any discussion on Floor Amendment #2? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 5578?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No Further Amendments."

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Speaker Hartke: "Third Reading. House Bill 5681. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5681, a Bill for an Act concerning the State's Attorneys Appellate Prosecutor. Third Reading of this House Bill."

Speaker Hartke: "Third Reading."

Speaker Hartke: "Oh, Mr. Cross."

Cross: "Yeah. Thank you, Mr. Speaker. I think that already is on Third Reading."

Speaker Hartke: "It is. Go ahead. My error."

Cross: "Thank you. Are you going to let me call it?"

Speaker Hartke: "Yes."

Cross: "All right. Okay, thanks. This is an initiative as you can see a bipartisan effort by Representative Hoffman and myself on behalf of the Appellate Prosecutor's Office and in conjunction with the Attorney General's Office. This is a Bill that attempts to codify a practice that the Appellate Prosecutor's Office has been doing for some time. And that is, in certain situations the State's Attorneys Office will ask for their assistance in the prosecution of a criminal case. There has been some question as to whether or not they have the authority to do that. Most would argue that they do. Because of the question as to whether or not they have the authority to prosecute on behalf of a local state's attorney, this Bill was proposed to clean that up. I would be glad to answer any questions. I think Representative Hoffman can help as well and you'll notice in the language of this Bill on page 2 that the Attorney General's Office will also have a say as to whether or not they would agree with the appointment of the Appellate Prosecutor's Office to handle these prosecutions. Be glad to answer any questions. And I'd appreciate an

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'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 55... The Chair recognizes Mr. Brady, the Gentleman from Mclean."

Brady: "Thank you, Mr. Chairman. Representative Cross, you and I have had discussions regarding this Bill and I just needed a few points of clarification. The concern what prompted the Bill is whether or not the Appellate Prosecutor's Office has been conducting business in their course of their legal representation or involvement in cases, whether they legally carrying out their duties. Is that correct, what prompted this legislation?"

Cross: "Yes, Dan, and you're right. You and I have talked about this on a couple of occasions. It has been a practice for some time that, especially in smaller counties, when there's either a conflict or resource issue, that the local State's Attorney will ask for assistance from the Appellate Prosecutor's Office to come in and help on, as I said, either a conflict case or a case where they don't have the resources to handle prosecutions. And as you may recall, Dan, or know, that in smaller counties oftentimes we've had part-time State's Attorneys. So, again it gets to be a resource issue and perhaps even at times an ability issue. And they have said to the Appellate Prosecutor's Office, I need your... we need some help on this case, it's pretty complex or a sensitive case. There has been the belief over the years that the Appellate Prosecutor's Office has had the authority to come in and do this. But a local court... it may even be an Appellate Court and I don't know the exact Appellate Court, has questioned whether or not they have that ability. Therefore, this piece of

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legislation was introduced."

Brady: "But for those cases that have been involved prior to this becoming law, if it does in fact become law, may be speculative as to having some type of legal question to what was done by the Appellate Prosecutors Office in those cases. Is that correct?"

Cross: "Well..."

Brady: "Someone could take issue with that, correct?"

Cross: "Certainly, they can now. Certainly, we've raised the issue by presenting this Bill. I think the Appellate Prosecutor's Office felt like they really were in a trick bag. If we ignore this and continue in the practice that we've done over the years, we run the risk of a court throwing out a case that we prosecute. We, being the Appellate Prosecutor's Office. So, that... so that they didn't want to risk losing a case, you know, a murder case or a high profile drug case. That's why we are here. So, certainly, you ask a very legitimate question as to whether or not people would question prior cases that have been prosecuted. Certainly, there are timing issues on those and in cases of, you know, maybe people have already served their sentences. I think there are many people that would argue, and I know you and I may disagree on this, that the Appellate Prosecutor's Office, under a conflict situation, you could make an argument has the authority to do it. But to clear up any question, that's why we're doing this Bill. Okay."

Brady: "But, certainly also the Appellate Prosecutor's Office is involved in other cases that a State's Attorneys Office may refer to them and ask for special prosecutors, other than high profile murder case..."

Cross: "Right."

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Brady: "... are they not?"

Cross: "You're right. That has happens in conflict cases. They will handled outside of Cook and the Appellate Prosecutor's Office handles cases in four counties other than Cook. They will do, for instance, all the appeal work, you know, for a hundred and one counties, they will do all the appeal work before all the Appellate Courts in the state, other than in Cook. So, they do that already, regardless of a conflict. And they could handle... I guess they could handle a traffic case, all the way up to a murder case. You're right."

Brady: "In our discussion, Tom... I'm going to be voting 'no' on the Bill. And I visited with you my reasons behind that so, I'll leave it just at that. And speak to the Bill, if I could, Mr. Speaker. To the Bill. My concern..."

Speaker Hartke: "To the Bill."

Brady: "... Ladies and Gentlemen of the House, is that if we have had a investigatory and prosecutory office in the State of Illinois processing cases, working on cases whatever that case may be, and the question has now become, whether they have a legal authority to do that. I'm concerned with all the cases that they have worked on or been involved with, of what type of liability issue may be awaiting the state out there. So, with that, I'll be voting 'no'. Thank you, Mr. Chairman."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5681?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Wirsing. Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 1

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person voting 'no, and 0 voting 'present'. And the House does pass House Bill 5681. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5607. Representative Brunsvold. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5607, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hartke: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple Bill. It would lower the forfeiture rate from 3% to 1% on new annuities. With the interest rates being so, so low and have been dropped down to less than 2% in some passbook savings, that it was necessary that this three-year window be applied to the new annuities. So, I know of no opposition to the Bill. There's none in committee and none has surfaced. And it's supported by the insurance industry. And I would ask for your support."

Speaker Hartke: "Is there any discussion on House Bill 5607? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5607?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5607. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5636. Mr. Durkin. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 5636 has been read a second time, previously. No Committee Amendments. No Floor Amendments."

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No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4509. Representative Bugielski. Out of the record. House Bill 41... House Bill 4187. Representative Burke. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 4187, a Bill for an Act concerning college savings. Third Reading of this House Bill."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4187 is legislation that will provide for three technical Amendments to the... two Illinois College Savings Program... Programs. It's College Illinois and the Bright Start Program. Specifically, the Amendments would provide for moneys rolled over into the Bright Start account from another out-of-state college savings plan, cannot be considered contributions for the purposes of the Illinois Income Tax deduction allowed under Bright Start, currently. The clarifying language would insure that the tax incentive would assist families saving for college, as opposed to providing a benefit to persons that transfer existing assets through the Bright Start for the sole purpose of gaining the tax benefit. The Amendment would provide a substantial savings to the state. And for example, if a 200 million amount were passed through the Bright Start as a way to get the state income tax deduction, the cost to the state would be 6 million. Further, the General Assembly has provided that earnings on Bright Start and College Illinois are exempt from current state taxes. A Federal Law that recently became effective could arguably require the state to provide a similar exemption to all out-of-state programs, as well. The Bill would clarify that the exemption is only applicable to two

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Illinois programs. This provision would provide substantial savings to the state and would benefit both college... both college savings plans. For example, if 2 billion were invested in out-of-state programs and the earnings were 5%, the lost tax revenue could be 3 million. It further provides, that as with College Illinois, no contributions to a Bright Start account shall be considered in evaluating the financial situation of the designated beneficiary for the state financial aid purposes. This change would eliminate a disincentive for savings for college and make both programs consistent when evaluating for state financial aid. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 4187? The Chair recognizes the Gentleman from McHenry, Mr. Franks."

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

Speaker Hartke: "Sponsor will yield."

Franks: "Dan, first of all, I want to thank you. You and I have talked about this Bill and I realize that you've taken out objectionable language. In the original Bill it would allow... it would've allotted... allowed unconscionable protection for debtors. And you took that out and I appreciate that. But I do have a couple of questions right now. Under current Illinois Law, any resident who invests in a 529 college savings plan, benefits from the state tax break provided. Is that correct?"

Burke: "There seems to be a great deal of confusion right now. The Federal Government has not been exactly precise in how this would affect our state program."

Franks: "Well, presently, for instance, if I were to invest in say, the Nebraska program, would I still receive a state



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tax break in Illinois?"

Burke: "Again, there is some confusion with respect to the adjusted gross income as the Federal Government would interpret your income and how the state then would be taxing you, but the intent in part with this Bill is to preclude one from an out-of-state program gaining a benefit in our state."

Franks: "That was my point. That's where I was leading to, and you got us there. So, simply put, what your legislation is trying to do, that if you don't invest in Treasurer's Topinka's plan, you don't get any tax break."

Burke: "This is the Bright Start college savings investment program and yeah, you could say that you don't... if you don't invest in Illinois, you're not entitled to any advantage."

Franks: "Okay. So what... simply put, what you're trying to do is leverage Illinois citizens to force them to only invest in the Bright Start Program, which, when I've studied the Bright Start Program, you and I were talking about it, I decided not to invest in it, because of the poor returns. I believe it limits investor choice, because right now only Salomon Smith Barney are the only funds which are available to invest in. I read an article in the Springfield Journal-Register (sic-State Journal-Register) a couple of months ago that said if you invested \$10,000 in this program two years ago, your investment would now be worth \$8,800. So, we would've lost \$1,200, by having to invest only in the program offered by Treasurer Topinka. Is that correct?"

Burke: "Well, let me tell you, Representative, as the Sponsor of College Illinois, which is the prepaid college education fund and also the Sponsor of the Bright Start Program

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previously, I was one that was offering citizens of our state options. This is what we're talking about here today. You and I discussed the College Illinois Program, you made a determination that that Program was more beneficial for your particular situation and your needs."

Franks: "Sure."

Burke: "That's fine. What we are talking about here are two very specific options: one is in response to an individual's need to know that that future college education has already been taken care of and they will not be imposed on by increased tuition or be affected by inflation rates. This particular investment program offers a market rate that is consistent with the general market. And I might, if you're talking about newspaper articles, let me tell you about an article that appeared in the Sun Times Thursday, January 24th, of this year. And the quote is, 'In comparing both performance and fees Bright Start comes out a winner, near the top of the class. There are actually two kinds of fees you'll pay in these Section 529 plans, annual management fee charged by all funds and the commission, if any paid to the broker or sales agent when the plan is set up. Illinois comes out a winner here, too. Its total fees come to just point', pardon me, '0.99% of the funds net asset value and that includes all fund management fees, commissions, and a small fee paid to the state. Further, as all mutual fund offerings state, past performance is no guarantee of the future, but based on its full one-year performance record, the Illinois Bright Start plan is doing a good job of staying competitive in both performance and fees. And that's the Savage Truth.' quoted, Terry Savage, Sun Times."

Franks: "I appreciate those sentiments and I think that the

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College Illinois Program is a very good program. And I think that our Section 529 Bright Start Programs can also be good programs. But I think they have to be expanded and you have to give the citizens of Illinois a choice of where they should be investing. For instance, I'm looking here and there are no income tax deductions for College Illinois. However, in this legislation there are income tax deductions for Bright Start Programs when both of these programs are 529 plans. Why are... why is one being treated differently than another?"

Burke: "Well, the situation you've just cited certainly was indeed the case. Our original language, in fact, included College Illinois. The administration of that particular investment tool decided that it was not appropriate, that there would be greater costs to that particular plan. And that's why they were removed."

Franks: "It just troubles me that we're treating 529 plans, that have been set up by the Federal Government differently in State Law. And I think that we are taking away the options of our citizens here. And we were talking about the return as well, and I read the Auditor General's report, on the return last year on Bright Start. And I read it to indicate that we lost \$7 million last year. Is that your understanding of the return?"

Burke: "There were, in fact, modest losses, Representative, but the facts are very clear. Bright Start out-produced every other investment vehicle available in this particular category across this country. It out-produced every single fund."

Franks: "Can I ask you, who's paying for the advertisements for Bright Start?"

Burke: "The firm of Smith Barney. In fact, as you might

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understand, this was a bid contract and they were successful in the bidding competition and they run that advertising."

Franks: "Well, do you know how much money has been committed to the advertising for the Bright Start campaign?"

Burke: "I'm told that the very first year it was 4.5 million and there is a varying amount in years subsequent to the first."

Franks: "Well, I was going to ask you. How much are you planning on spending this year and when are you going to be spending it?"

Burke: "I beg your pardon?"

Franks: "Pardon me?"

Burke: "I didn't hear your question."

Franks: "I'm sorry. How much is Bright Start planning to spend in advertising this year? And how much over the coming months? Because what I'm concerned about is it becomes a campaign vehicle for certain elected individuals whose face appears on the advertisement both in radio and television. You'll see the likeness and on radio the individual will be speaking. And I want to know how many millions of dollars of free advertising an elected official is gonna get when we're losing \$7 million a year on the returns?"

Speaker Hartke: "Mr. Franks, please bring your remarks to a close."

Franks: "Could we please take this off of Short Debate and move it to Standard Debate? I've got a few more remarks I'd like to make."

Speaker Hartke: "There's still five people seeking recognition. I only see two hands, the answer is 'no'."

Franks: "Okay. Could we have an answer to how much is gonna be spent?"

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Burke: "As I said to you, the bidden contract awarded to Smith Barney the first year was 4.5 million and the rates vary. And the matter that you've referred to with respect to the television advertisements is only a part of that budgeted amount that Smith Barney pays for, by the way. There are brochures, there are other documents. There are other forms of advertising aside from what we all found on our televisions."

Franks: "To the Bill, then."

Speaker Hartke: "To the Bill."

Franks: "And in issues of brevity, I've got a real problem with this Bill, because it treats Illinois citizens differently. It does not allow income tax deductions if you put into College Illinois, it only allows it if you invest in the 529 plan. And what is really bothersome, is that the Office of the State Treasurer has chose a single investment firm, Salomon Smith Barney, to run the program, when 14 other states that have 529 plans choose the more traditional investment strategy of diversification. If one wants to make money on 529 plans and you're an Illinois citizen, you're much better off investing in Nebraska. Morningstar, who Smith Barney has chosen, has historically been rated below or just average. This Bill attempts to benefit a program over the benefit of the individual citizens. What this Bill tries to do is to ensure that if you're going to invest in 529 plans, you have to invest in Bright Start to get any tax break. But it's not fair to the Illinois citizens. Citizens should be able to invest in any 529 plan..."

Speaker Hartke: "Chair recognizes Representative Brosnahan."

Brosnahan: "Speaker, will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

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Brosnahan: "Dan, I know some of these questions have been covered by Representative Franks and I will try... hopefully, I won't repeat any of them. But, in Illinois there is a single investment firm that manages these accounts. And I think it's already been mentioned by Representative Franks that it's Smith Barney. My first question is, how was the investment firm chosen, #1? Is it the Treasurer? Was she responsible for picking Smith Barney as the investment firm?"

Burke: "Yes, the Treasurer ultimately made the decision, but there was competitive bidding. And with respect to the statement made that Smith Barney is the only investment firm, that is not the case now. Putnam investors... process of including Putnam right now."

Brosnahan: "Well, you say that they're in the process of including Putnam. Right now, though, it's still Smith Barney basically, kinda has a monopoly on it?"

Burke: "That's right."

Brosnahan: "And you're telling me you're gonna add another investment company? Is that... Is that what you're saying?"

Burke: "That is right."

Brosnahan: "Under the terms of the agreement, the original agreement between Smith Barney and the Treasurer's Office, was it a contract? How long was Smith Barney gonna have the responsibilities for investing this money?"

Burke: "Contract is for the term of seven years."

Brosnahan: "For seven years. And when was the... when did it start?"

Burke: "Approximately a year and a half ago."

Brosnahan: "Okay. I guess my first question would be, why did the State Treasurer choose just one investment firm as

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opposed to, as Representative Franks mentioned, other states that have these 529 plans? They'll spread out the... diversify I guess is the term, between different investment companies and here in Illinois we only have one investment company. What was the rationale there?"

Burke: "When the legislation was created to set up this particular fund, there were three interested bidders. At the time that the plan was implemented, there was only one offering and that was Smith... Smith... each of the three had one type of investment offering. At this point in time, Smith Barney had the comprehensive tools to offer the program full comprehensive coverage."

Brosnahan: "Now, Dan, you mentioned this other company, I think, Putnam."

Burke: "Putnam."

Brosnahan: "Okay. Have they already reached an agreement with the Treasurer to start managing some of this money, as well? Is that in the works right now, or do we know when they're going to start?"

Burke: "That fund will be included with the mix of other funds. And that's current, they're currently doing that."

Brosnahan: "Okay. I also, Dan, and I have, ya know, great respect for you as a Sponsor and as a Legislator, but it seems that what this Bill does is limits the options for Illinois families. And I think it's a Bill that everyone in this chamber should be very careful. And I guess it just, kinda just, really kinda jumps out at you. Right now, there's only one investment firm that handles all this money and they also are responsible for all the advertisements. They're paying for all these Bright Start radio commercials and TV commercials. Is that correct?"

Burke: "Yes, and that question was asked earlier and if... I

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think the response is gonna be the same, that that firm does pay for the advertising and it includes far more than just the TV spots that you've observed."

Brosnahan: "Now, when this Putnam, when they come on, is there anything in their agreement with the State Treasurer's Office that they will also be contributing to radio or television commercials? Is that part of the agreement?"

Burke: "They're not... this new firm that we are talking about is not administering the fund, they are just a participant and some of their investment mechanisms will be used. So, they are not in a position as Smith Barney would be. They are just a added on investment mechanism."

Brosnahan: "Okay. Now, is there any..."

Burke: "The product that that firm, Putnam, is offering is just going to be in the mix of all the other investment mechanisms."

Brosnahan: "Okay. Now, is there any other thought underway in the Treasurer's Office which would include other investment companies in addition to Putnam and Smith Barney, or right now, is it just those two companies?"

Burke: "To the extent that it's advisable, that it's a practical thing to do, they will include other investments... other investment tools. But again, Smith Barney's contract is for a period of seven years. And at this point in time, there's probably a little over, what, five and a half years."

Speaker Hartke: "Mr. Brosnahan, bring your remarks to a close."

Brosnahan: "Thank you, Mr. Speaker. Thank you for answering my questions. To the Bill. Mr. Speaker, Members of the House, I also stand in opposition to this Bill. Again, I think all of us should look very, very hard at this Bill and what it does to Illinois families. It limits the



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options that Illinois families have when they're investing their money. And when we look at the track record of Smith Barney, the results haven't been that good in the last couple of years. So, we are telling Illinois families, even though you may get a better return if you go to Nebraska or a different state that has these 529s, we are taking that option away from them and telling them they have to keep it here, which I don't think is the thing to do..."

Speaker Hartke: "Further discussion? This Bill is on Short Debate. We've had two people speak in opposition to the Bill. We will have two people speak in support of the Bill. The Chair recognizes Representative Mulligan."

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative, this just actually closes a loophole, doesn't it? Some of the other parts of the discussion around this Bill are not pertinent to what the Bill actually does?"

Burke: "I would say that the previous discussion does, in fact... it does relate and I think much of it centered on what the cost of advertisements are. And I would think... I wish that there was enough money around to advertise other good programs. But I think they're doing a fine job and I think the advertisements certainly help to advise our constituents as to what their available options are. And this legislation, indeed, does provide the closure to a loophole that previously existed. And this is a technical language, some closure to a Bill that I sponsored, previously. And that's why I want to see this thing completed and handled properly and continue to offer options to our constituents."

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Mulligan: "All right. But technically it closes a loophole. No one has suggested in discussing advertisements on television or otherwise, that we stop advertising for organ donors through the Secretary of State's Office, have they? Which would be similar, it is of the benefit of the people of Illinois to know that... that we are encouraging on your drivers license to be an organ donor. It's also a benefit to the people in Illinois to know that there is a program that they can get a tax savings if they want to save for their children or their grandchildren."

Burke: "Well, I think... very good point, Representative. Certainly, we have as individual Legislators limited opportunities to convey the message or to make our constituents aware of all of the multitude of programs that the state offers. And I would compliment those, like Secretary Jesse White, in making an effort to send a good message and let our constituents understand what's available to them in terms of state investment vehicles. And certainly, what, as good citizens, they could participate in, such as the organ donor plan. I think it's important that we get the message out, and our means today is the use of the television media."

Mulligan: "Right. And I think that you cannot compare apples to oranges. We're always running for election. At some point, you have to advertise for the benefit of the state for certain things and either way it benefits both sides or both parties. So, I don't think that we should discuss whether someone is advertising the benefits of a program when everyone does it, because it's to the benefit of those who participate. But, what your Bill actually does is close a loophole that would allow people to transfer out-of-state investments in, to get a one-time tax break

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when they move into Illinois, at the will of whenever they want to do it. Is that not correct?"

Burke: "You're absolutely right. Illinois is for Illinois, and I think this program... with this language, would insist that we are going to be considered first."

Mulligan: "Right and also it is a benefit to have states invest... to have the state's money invested within the state for the simple reason that we're offering a benefit, but we also should have something back for that benefit that we're offering. Usually, we try to make it balance out, so that it's a benefit to everyone."

Burke: "I agree."

Mulligan: "And there is nothing in your legislation that would not allow people to continue to invest in out-of-state programs and still take the federal exemption."

Burke: "No, there is nothing in this Bill."

Mulligan: "So, what this does is close a loophole, save income tax dollars from people who would like to take a one-time exemption, still offer the benefits of a program that go into the money of the state coffers, and allow people that are parents and grandparents to invest in the future of their children. And a program that, I know the article you were referring to, wasn't that Terry Savage's article in the Sun Times?"

Burke: "That is right."

Mulligan: "And that is a very respected... And are there only a few states that are actually offering programs that are beneficial?"

Burke: "That's right."

Mulligan: "And isn't the state obligated to invest in only things that are very safe?"

Burke: "Yes."

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Mulligan: "And has it not been a wonderfully bad year for any investments across the board, so that it's hard to compare?"

Burke: "I think we all have taken a hit."

Mulligan: "To the Bill. I think this Bill closes a loophole, I think it's a good Bill. I would like to see it go further, but this what we need to do. And I think we should take the politics out of this and put it back in the parents' and the grandparents' hands that want to save money for the future of their children and education."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black. You will be the last person to speak."

Black: "Yes, thank you very much, Mr. Speaker. Pursuant to Rule 52, I'm joined by seven of my colleagues in asking that this Bill be removed from Short Debate."

Speaker Hartke: "The Bill will be so removed from Short Debate."

Black: "Thank you."

Speaker Hartke: "Mr. Black, you have five minutes."

Black: "Yes. Thank you very much, Mr. Speaker. I appreciate your indulgence. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, some interesting questions. I've read this Bill. I see nothing in this Bill that limits any of my choices or options. If I choose to enroll my grandchildren, as I have in one of the other programs, I'm still free to do so, correct?"

Burke: "You are indeed, Representative. And again, as the Sponsor of not only this program, but College Illinois, I would agree and insist that our constituents should be offered every available option."

Black: "If I choose to enroll or purchase college saving bonds,

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I'm free to do so."

Burke: "That's right, it's your option."

Black: "Educational savings accounts... "

Burke: "You got it."

Black: "I... to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Black: "In a time of rapidly increasing tuition costs, people in Illinois, I daresay people in any state, need as many options as possible to try and save money or invest money for their children or in my case, my grandchildren's college education, that I think, will certainly be more expensive than any of us, realized at the time we were attending the college of our choice. It has been... It has been... some of the side issues I think, are unfortunate, because it tends to cloud what the Bill does, in fact, do. If someone is concerned about the Treasurer making public service announcements, it's a legitimate concern, drop in a Bill and prohibit that. It would also prohibit the Secretary of State from doing organ transplant public service announcements. And heaven forbid, it might prohibit us from making public service announcements. And we could carry it further. How many of us put out taxpayer-financed newsletters, close to an election? And I use the word 'news' advisedly. Usually, they're a little fluff piece, paid for out of our district office allotment. I mean, if that's a legitimate concern that the Treasurer might get on television, then I'll gladly support a Bill that says none of us'll get on television. I don't have a problem with that, if you want to treat everybody equally. But that's a side issue. That has nothing to do with Representative Burke's proposal. So, I think what you need to do is to look at the Bill very carefully. I think

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Representative Mulligan pointed out in her questioning that it does, in fact, close a loophole that needs to be closed. It does not inhibit my choices of whatever investment I choose to make. And I commend the Sponsor for having the foresight years ago to work on as many options as possible, so that we can begin to save for our children or grandchildren's education. That's the issue. The side issues can be dealt with in another forum or in your own Bill. And if you want College Illinois treated as this, then fine, file that Amendment. But Representative Burke, I think, is well-known for his diligent efforts in trying to make choices and options available to the people of Illinois and get the message out that you need to start planning, that tuition isn't going to be \$5 or 6 thousand 20 years from now. Make informed choices, invest wisely and help your children or your grandchildren through college. That's the issue. I think the Bill continues his good work in that field. I intend to vote 'aye'."

Speaker Hartke: "Further discussion? The Chair recognizes Majority Leader, Representative Currie. You have five minutes."

Currie: "Speaker... Thank you, Speaker and Members of the House. I have a concern with something that is definitely in the Bill and I hope that the Sponsor will yield in response to..."

Speaker Hartke: "Sponsor will yield."

Currie: "... a question or two. As I read the Bill... The point of these college savings plan is that I can save for my grandchildren or a parent can save for a child, so when Sammy or Sally gets ready to go to school, there's money to help the youngster actually pay the tuition bill. But this Bill, your Bill, House Bill 4187, as I read it, says that

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that money, the money in that account, if it's the Bright Start, but not the College Illinois account, cannot be held against you when it comes to state financial aid. Now, my concern about that proposition is that the very youngsters, the very Sallys' whose parents and grandparents are able to do the savings, by the time Sally and Sammy start college the fact that there's money to pay for college doesn't mean that she's less eligible for financial aid from ISAC than Sammy, whose parents were never able to scrape together a penny to put in the Bright Start Program. I think that's wrong. I think it's particularly wrong if you apply that provision to one of the college savings programs that are created and operated in the State of Illinois, namely Bright Start, but you don't apply it to the ISAC, a comparable alternative. So, I... maybe you could explain to me why we want to pretend that there isn't money when there is and treat the child who may have thousands of dollars in this college account, gets to apply for, on the same level as somebody without a sou to his or her name and get financial aid."

Burke: "What you've just cited, Representative, is a part of College Illinois currently and now we are including it in the Bright Start Program. So there is no difference between the two funds at this point..."

Currie: "Okay, so the basic point then is, that the Sally who's got the \$30,000 in the Bright Start Program or the College Illinois Program will be treated identically to Sammy from my neighborhood, whose parents could never put a farthing into a college savings account. I would... To the Bill Speaker."

Speaker Hartke: "To the Bill."

Currie: "This to me is a legitimate reservation, that we know we

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always run out of money in ISAC, the Student Assistance Commission is never able to meet the scholarship needs all of those who establish financial eligibility. It seems to me wrongheaded. It seems to me going the wrong way to decide that as a matter of public policy, we'll treat the 'haves' as if they were 'have-not', knowing that the 'have-nots' will not get the help they need. I'm not as troubled by other parts of the Bill as some of the former speakers have been, but I find this not the right direction for public policy for Illinois and were this not part of the Bill, I believe I could support it. But I think the 'have-nots' deserve our help in a way that the 'haves' do not, and for that reason I will oppose this Bill."

Speaker Hartke: "Further discussion? Chair recognizes Representative O'Brien. You have five minutes."

O'Brien: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

O'Brien: "As we have been debating this Bill and been talking about the fact that we should be encouraging savings to go to the State of Illinois, I just... because of my circumstance and going to be having a baby in the very near future, I have been solicited by all types of investment firms, locally in Kankakee County, Will County, Grundy County, people that I know personally wanting to sell me one of these 529 accounts. But under this legislation, I would not be eligible to deduct the state income tax from that. I wouldn't be allowed to do that, even though these are business people, in my community, selling an investment plan, paying tax... their income taxes, sending their kids to Illinois schools, paying our salaries through the taxes that they pay. They're not out-of-state residents. They're business people and under this legislation they're



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going to be penalized. These small business people in our communities, if they sell a plan that is not the Bright Start Plan, they're not gonna be able to offer a... an exact identical plan. And if I'm looking at it as an investment, I'm gonna say why should I invest locally with somebody that I know, because I'm not going to get the same benefit. And so I think it's a little bit disingenuous to say that we should keep all of our money in Illinois, because I think what we really might be doing is offering a disincentive to invest in these plans offered by local business people in our communities that aren't the Bright Start Program. Maybe, I know one of the companies I can think of is Home Star Investment Services. Yes, now their contract is with an out-of-state firm, but they do business and are one of the largest employers in Kankakee County and largest mortgage brokers in Kankakee County. Why shouldn't they be offered the same opportunity to offer the exact same benefit to their customers as this plan? That's why I have opposition to the Bill. It has nothing to do with anything else, any advertisements, because I think the advertisements probably do generate awareness about the availability of these plans. Mine simply comes down to, I think we ought to be able to have the same choice to do business locally, with people that we know and we trust and have given us other investment services. Thank you."

Speaker Hartke: "Representative Burke to close."

Burke: "Thank you, Speaker and Ladies and Gentlemen of the House. There's been quite a bit of debate, quite a bit of discussion in this matter. Certainly, again as having sponsored the two viable successful programs that are currently available to our constituencies in this state, I again would encourage your very deliberate and considered

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concern for this matter. When we talk about sending a message, when we talk about communicating with our constituencies, again we have very limited opportunities. And I, for one, don't care if a message is conveyed by the radio, by the television, by telegraph, or carrier pigeon, the fact is this is a good program. This is offering an option to our residents. You don't have to sign up for Bright Start. You don't have to sign up for College Illinois. The fact is they are two very successful, well-run and successful programs. We have options in this country. It's a free society. No one is forcing your hand to sign up for anything that you don't find important for your family. The fact is Bright Start has out-produced all of the other funds across the country. With respect to the remark that was made by the last speaker, we are not inhibiting your opportunities. We are not closing down other investment companies. They have the opportunity to participate with the current management of the fund. The fees, in fact, for these out-of-state programs are greater and that's the reason that the State of Illinois is not using those companies. There is sometimes in excess of 5% fees associated with these out-of-state brokerage outfits. Fact is, Smith Barney is doing a job. They are being overseen by this State Government. Everyone is watching them. They are producing good returns. It's a wonderful opportunity for families to make proper investments that they otherwise couldn't do on their own. Bright Start offers an option. Bright Start is a good program. Bright Start was a Bill that I introduced to this General Assembly a year and a half ago, and I want to see Bright Start continue to be an opportunity for families in this state. Thank you very much."

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Speaker Hartke: "The question is, 'Shall the House pass House Bill 4187?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 73 Members voting 'yes', 35 Members voting 'no', 6 Members voting 'present'. And the House does pass House Bill 4187. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4179. Representative Capparelli. Representative. Representative Capparelli. Mr. Wirsing, what reason do you seek recognition?"

Wirsing: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Hartke: "State your point."

Wirsing: "To the Members of the House, many times as adults we think we need to portray advice and information to youth, but sometimes we need to listen to the youth. And certainly in the 70th District for about 9 years now, I have what I call my youth advisory committee, it's made up of junior and seniors from each of the high schools within the district. And they are here with us today and tomorrow and they're up in the chambers (sic-gallery). So, if you'd all like to welcome the Dave Wirsing's youth advisory committee."

Speaker Hartke: "Welcome to Springfield. Keep advising Dave. Representative Capparelli. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4179, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 4179 amends the Criminal Code of 1961, provides that an aggravated assault committed against a person known to be an emergency medical

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technician, a paramedic, an ambulance driver, or other medical assistance or first aid personnel employed by a municipality or a governmental unit engaged in the execution of his or her official duties, to prevent performance of their official duties or retaliation for a performance of his official duties is a Class IV felony rather than a misdemeanor, if a firearm is used in the commission with this assault."

Speaker Hartke: "Is there any discussion? Chair recognizes Representative Osmond."

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

Speaker Hartke: "Sponsor will yield."

Osmond: "I think it's a terrific Bill. The only thing I would ask is that you would include voluntary paramedics who are not employed by any municipality and there are units like that in the state, to be included in your Bill. And I don't know if you want to check that with the... if it goes over to the Senate, but I think you have it just simply as employed by municipalities. I think the concept is what you want to do, but I'd like you to include volunteers..."

Capparelli: "They are included."

Osmond: "Excuse me?"

Capparelli: "If they are volunteer or not volunteer, they're all included, yes."

Osmond: "But, well, the way the Bill is written it looks like to me they have to be employed by a government unit. Many of these people are not employed by anybody, they're just volunteers."

Capparelli: "That's what the Bill... you're right the Bill says a municipal... a person... personnel employed by municipality or governmental unit, yes."

Osmond: "Yeah, that's correct, but there are... I assume that

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your intent is to, to a give protection for paramedics that are out contributing to their communities. Is that correct?"

Capparelli: "Well, if you care to amend it at some other later date, I'd be glad to go along with you."

Osmond: "I... I... Just maybe when it gets over to Senate, there are paramedics that operate that are not employed..."

Capparelli: "Yeah, there are some private units, you're right."

Osmond: "Or volunteers, yes. Okay, I would just like to see that changed over in the Senate then."

Capparelli: "If you'd like to amend it at some other date I'd be glad to help you."

Osmond: "Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Black, the Gentleman from Vermilion."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I think Representative Osmond has a good point. In my, and I'm certainly not a lawyer, but I think in my experience that if you are a volunteer, and in my district they certainly outnumber those who are in the full-time employ. But generally speaking, you are compensated per call and you are a member of an ambulance district, which I believe would be interpreted to be a unit of government. But I think... I think Representative Osmond has raised a very good point. And you may want staff to look at it that when it goes to the Senate to make certain that those people who volunteer their time in a volunteer ambulance district, and there are hundreds of them downstate, they are technically not an employee of any municipality or unit of government. Although I think, an

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ambulance district could probably be considered a unit of government. I certainly would like to see them covered. I think they are under your Bill, but we perhaps could clarify that. But, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Black: "Once again, I'm always in awe of the Dean of the House, who can get to the issue more quickly than so many of us who have toiled in the vineyards here for many years. This is a straightforward Bill. Probably, one of the things that amazes me about the Dean of the House, when he presents a Bill many of us get up and say, why didn't we think of that? The Bill simply is an outstanding piece of legislation, and that's why the Dean is carrying it, quite frankly. I, for the life of me, cannot understand why people who summon help then turn on the very people that are going there to save their life or to render aid and comfort when they need it and then suddenly turn on them or a member of the family or a bystander and subject them to possible death or injury by a firearm. It's time to say to the public at large that will not be tolerated, it will not be a misdemeanor. Once again, I salute the Dean of the House for a good piece of legislation. I don't know why some of us didn't think about this years ago. It's long overdue. I intend to vote 'aye' and I guess, Dean, that's why you are the dean of the House. And I congratulate you on this Bill and I know you will have staff look into our concerns about volunteers, making sure they're covered as well. And I thank you very much."

Speaker Hartke: "Representative Capparelli to close."

Capparelli: "I'd like a favorable roll call. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4179?' All those in favor signify by voting 'yes';

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those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4179. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3637. Representative Collins. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3637, a Bill for an Act in relation to public health. Third Reading of this House Bill."

Speaker Hartke: "Representative Collins."

Collins: "Thank you, Mr. Speaker. I am grateful for the opportunity this morning to bring before the Members of this Committee the proposed Bill calling for the ban and use of sell and manufacture of all mercury thermometers here in Chi... here in the State of Illinois. I believe that the health crisis brought on by the continued use or sale of mercury thermometers deserves our immediate attention. All of us have grown up familiar with the everyday use of mercury thermometers. Often they were the first line of defense when fevers struck at the family home. However, in more recent times, we are just beginning to learn the extreme health risk involved in the use of such device. As you may know, these thermometers function by using the element mercury to measure temperatures variances. And while they have been of enormous benefit over our past century, it is only now when our technological advances offer other means to measure temperature, they are... we are coming to realize that the broad health hazard of mercury can impose. Mercury is a silent killer. It can deliberate... It can dilapidate the central nervous system and cause irreparable kidney damage

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and birth defects. In addition, mercury can cause many other health problems, as well, such as lung irritation, vomiting, fevers, headaches, tremors, and abdominal cramps. Frequent breakage of mercury thermometers have resulted in countless home health hazards often without the knowledge of fair warning of consequences of family's fate. The continued use of mercury thermometers generates massive amounts of hazardous waste in both the municipal solid waste stream and sewage treatment system. Discarded mercury thermometers directly into the environment through vaporization and mercury spillage when a thermometer breaks during use or when it is disposed of. They contaminate the soil and seep into our waterways. In many parts of our country, fish are no longer safe to eat due to the levels of mercury found in their systems. Mercury poisoning continues to be serious threat to the well-being of children, particularly at vulnerable stages of our development... of their development. Developmental defects during fetal growth, the re... the recurring incidents of attention deficit disorder, and other delays of physical and mental maturation during childhood can directly be traced to high levels of mercury in the soil and our environment. The Environmental Protection Agency cites mercury thermometers as the largest source of mercury in municipal solid waste. It creates severe health hazard in large urban communities affecting the quality of life for everyone. And I ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. A couple of parliamentary questions of the Chair before I ask some questions."

Speaker Hartke: "State your parliamentary inquiry."



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Cross: "One, with respect to the issue of... does this preempt Home Rule? And if so... Well, I'd like to just ask that question about Home Rule then. Could you tell us just as a bookkeeping measure or question, how many Amendments have been adopted? Would the Clerk know?"

Speaker Hartke: "Mr.... Mr. Clerk."

Clerk Rossi: "The only Amendment that has been adopted to the Bill is Floor Amendment #3."

Cross: "All right. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, did Amendment 3 become the Bill?"

Collins: "Yes."

Cross: "There was a time in this process where the Illinois State Medical Society opposed this Bill, the physicians' group. Do you know if their opposition is still there?"

Collins: "No, no."

Cross: "You don't know or they're no longer opposed to it?"

Collins: "They're no longer opposed."

Cross: "Okay. I see that we now under your language it prohibits the sale, distribution, or promotional gift of mercury fever thermometers in this state. Am I exempt if my grandmother gives me her thermometer that she had when... would she be..."

Collins: "No, it's only for the... like if you were going to sell it, like manufacturers, retailers. It's really for retailers, like stores like Walgreen's, Wal-Mart, those kinds of things, sell it to consumers, but if you have it as an individual, you can give it away and you won't be fined."

Cross: "I understand the intent. I understand the danger of... I under... I see your findings about the exposure. But it talks about, you say prohibit the sale, I understand, but

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it says distribution. And my concern is again..."

Collins: "Are we talking about the hospitals, the health care facilities? A lot of times they have mercury thermometers on hand and they give them away and sometimes they have fairs... health fairs and they give them away there, because they have them in stock. And so we don't want them to give'em away then."

Cross: "I... I understand where you're going, Representative, or where you'd like to go with this and I'm not... I understand that, but it doesn't exempt... and someone on our side is asking me to point out this. For instance, at a farm auction, people may be collectors of thermometers. There may be people that collect these types of thermometers. It may just be something you have around the house and and I'm not making... I'm being serious. What if it's something that's sold at a farm auction, for instance? It appears that under this, you would be prohibited from selling or distributing a thermometer of the type you're describing under your Bill, is that where we're at? Is that your intent?"

Collins: "No. We're talking..."

Cross: "Do you think we maybe should exempt groups or people other than hospitals and health care facilities? I mean just so we don't... we certainly don't want the auctioneer, or the grandmother, or... or..."

Collins: "We're... we're not talking about those people, we're talking about retailers selling them. We're not talking about individuals."

Cross: "I understand that, but your language says, 'it is the purpose of this Act to prohibit the sale distribution'. I don't see the exemption for those that are not health care facility-related institutions like hospitals, nursing

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homes, et cetera. So, I... a grandmother... you could... under this Bill, the grandmother that gives the thermometer that she's used for years in her home to care for her children and grandchildren, that gives this away could be charged with a petty offense. Do I read that correctly?"

Collins: "Well, on line or page 3 of the Bill, line 11, on or about it says, 'On or after July 1st, no hospital shall distribute mercury fever thermometers.' You see that line? So, that's what we're talking about."

Cross: "I understand... wait, show me where, on the original Bill or on the Amendment, Representative? Again, where are you talking about, if you could point out to me. I have the Bill and the Amendment."

Collins: "On page 3 of the Bill, line... starting at line 11."

Cross: "Well, I don't... All right, Representative, I guess I don't see that, but I'm not going to ask any more questions. I appreciate your answers."

Collins: "Thank you."

Speaker Hartke: "Mr. Cross, before we go to Mr. Stephens, we have a parliamentary answer for you."

Parliamentarian Uhe: "Representative Cross, on behalf of the Speaker and in response to your inquiry, House Bill 3637 does not contain any language preempting Home Rule. And therefore pursuant to House Rule 70, it does not preempt Home Rule."

Cross: "Thank you."

Speaker Hartke: "60 votes... 60 votes required to pass the Bill. Chair recognizes Representative Stephens. You have 5 minutes."

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

Speaker Hartke: "The Lady will yield."

Stephens: "Representative, what kind of thermometers are we

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talking about here?"

Collins: "Mercury thermometers."

Stephens: "For oral or rectal use, or under the arm?"

Collins: "Yeah, either or."

Stephens: "Okay. Do you have any evidence that those... these are all glass thermometers then, right? They'd be glass thermometers?"

Collins: "Yes, the ones that contain the mercury inside, not the digital thermometers, just the mercury ones that they're usually glass with mercury inside."

Stephens: "What's the difference? How do I know if I buy a digital thermometer that it doesn't have mercury in it?"

Collins: "Okay. I'm sorry, I didn't hear your question."

Stephens: "How do I... when I buy a thermometer, how do I know if it has mercury in it?"

Collins: "Well, most people don't buy the mercury thermometers anyway, now. So, the..."

Stephens: "How do I know, though?"

Collins: "Well, you can see it inside, the little silver part."

Stephens: "How do I know it's mercury? Just because it's silver?"

Collins: "Yeah, and the label tells that it's the mercury... usu... you it probably say it's a mercury thermometer, as opposed to a digital thermometer."

Stephens: "Well, with all due respect, Representative, I don't agree. I don't think a glass thermometer in the traditional sense says that it has mercury inside. I'm not sure that's true."

Collins: "Well, they're called mercury thermometers."

Stephens: "No, Ma'am. They are identified in the retail setting as one of two, they are either an oral thermometer or a rectal thermometer. There is no mercury thermometer. So,

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how do I know what I'm selling?"

Collins: "If it don't say it on the box, I don't know how you would know."

Stephens: "Well, if I'm a retailer and your Bill passes and it doesn't say on the box, it just says oral thermometer, can I sell it or not, under your Bill?"

Collins: "No."

Stephens: "Why?"

Collins: "You won't be able to sell it if says mercury thermometer."

Stephens: "All right. The thermometers do not say mercury. They say oral, O-R-A-L thermometer. Can I sell it or not?"

Collins: "You cannot sell it if it has mercury in it."

Stephens: "How do I know if it has mercury in it? I got an idea, we break it."

Collins: "Well, we're gonna have to rely on the label and most things when you buy over the counter has a label on it and you read it and if you're a retailer and you know we're banning it in Illinois, then you'll have to check that before you buy it."

Stephens: "Well... To the Bill, Mr. Speaker, Ladies and Gentlemen."

Speaker Hartke: "To the Bill."

Stephens: "Not the worst idea to ever come to the House or the Senate Floor, but typical of a lot of ideas that come here, they're just not completely well-thought-out. Around the state I don't know how many times I've had town meetings and gone to all of the functions that we go to, no one has ever stood up and asked me, can you make sure that you get the mercury thermometers out of the local stores, because they're a menace to society. They're a menace to our children. No one has ever confronted me on that issue."

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But let's say they did. If they came to me and said can you get those thermometers out of the store. Well, the first thing I'd want to do is make sure that I can identify the item that you want removed. How can I make sure that we're talking about a mercury thermometer. We're going to tell the retailers of Illinois that if you have this item in your store and you give it away, or you sell it, or you trade it for one that was broken on... in terms of a guarantee that a lot of retailers have on oral and rectal thermometers, you have to be able to identify it. You can go to any store that sells these right here in Springfield and it's not going to tell you what's inside the thermometer. It's going to say on the thermometer whether it's for oral or rectal use. And by looking at it or by using it, you're not going to determine that it has mercury in it. But we're going to fine you, what does your Bill say, Representative, 50 to \$200, is that right? We're going to fine retailers for simply trying to answer the health care needs of the people in their neighborhood. There are a variety of ways to take temperature that are available in a retail setting. You can take your temperature through a digital thermometer used orally or rectally, you can take your temperature..."

Speaker Hartke: "Mr. Stephens, bring your remarks to a close, please."

Stephens: "I will bring my remarks to an end."

Speaker Hartke: "Thank you."

Stephens: "Mr. Speaker, you can buy thermometers that will take your temperature of your body by sticking them in your ear. Now, what we're going to do is confuse people and they're not going to know where to stick these thermometers and they're not going to know what's in them if they do

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stick'em. So, I think I'm gonna vote 'no'."

Speaker Hartke: "Representative Collins to close."

Collins: "All right. Often serious repercussions for mercury spillage in the home go undetected by parents. Mercury from cracked or broken thermometers can lay hidden in the home and remain largely unnoticed. The eroding effects of mercury on indoor air and its transference to the household objects sadly makes the home a toxic environment. According to the USEPA disposal of those thermometers is now the single largest source of mercury in the municipal solid waste. And I urge you to vote 'yes'. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3637?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 86 Members voting 'yes', 25 Members voting 'no', and 2 Members voting 'present'. And the House does pass House Bill 3637. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Colvin, for what reason do you seek recognition?"

Colvin: "House Bill 3637, I did not record my vote and I wanted to be recorded as 'yes'."

Speaker Hartke: "The Journal will reflect your wishes. House Bill 3682. Representative Bassi. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3682 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Bassi, has been approved for consideration."

Speaker Hartke: "Representative Bassi."

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Bassi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 becomes the Bill and would allow public bodies to hold closed meetings where there is a threat or a potential threat to the public, whether it is on public or private property. This was a response in Rolling Meadows to the September 11th terrorist attacks at a time in which they discovered they needed to do a security check on some private property that did a great deal of munitions dealings with the Federal Government. This would allow a closed meeting to be held whenever there is a threat to the public. And it adds the language, 'the public', to Section 8 under the Open Meetings Act. After a great deal of discussion this is now an Agreed Bill and I would ask for an 'aye' vote for the Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #2? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 3682?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 5807. Representative Crotty. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5807, a Bill for an Act concerning organ donation. Third Reading of this House Bill."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 5807 would provide time off with pay to state employees who donate an organ, bone marrow, blood, or blood platelets. An employee may use up to 7 days of organ donation leave in any 12-month period to serve as a bone marrow donor, up to 30 days of leave in any 12-month period



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to serve as an organ donor, up to one hour to donate blood every 56 days, and up to two hours to donate platelets. Leave may not be more than 24 times in a 12-month period. This leave is granted only after obtaining approval from the employee's agency. The department must adopt rules governing this leave, such as the conditions, the procedures for requesting, approving the leave and requiring medical documentation of the proposed organ or bone donation before leave is approved. If there's any questions I'd be more than happy to answer'em. Otherwise, I would ask for a favorable vote."

Speaker Hartke "Is there any discussion? Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. I rise in support of this legislation. This issue had also been brought to me by state employees, who in addition to donating blood, donate red blood cells. And this procedure is much longer than simply donating blood, because the blood is extracted and the blood is spun down, the plasma, the red cells separated and then plasma reinjected. And it takes at least two hours to be able to donate red blood cells. And the employees wanted to be able to have this same consideration given for their time donating their red blood cells as for donating blood and not having to use vacation time. So, I think this is very important public health issue to encourage people to be able to donate red blood cells. Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the Sponsor asks for the approval of the Bill. The question is, 'Shall the House pass House Bill 5807?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5807. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5997. Representative Curry. Julie Curry. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5997, a Bill for an Act in relation to state finance. Third Reading of this House Bill."

Speaker Hartke: "Representative Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. This is a annual Bill that we do on behalf of the Auditor General. It simply transfers audit expenses from various state agencies into the state treasury to cover the audits that were done by the Auditor General."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 5997?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5997. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4509. Representative Bugielski. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 4509 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Bugielski, has been approved for consideration."

Speaker Hartke: "Representative Bugielski on Amendment #1."

Bugielski: "Thank you, Mr. Speaker, and Members of the House."

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Amendment #1 amends the Metropolitan Water Reclamation District Section of the Illinois Pension Code to authorize an optional contribution plan beginning in January 2003 to December 31st 2007, whereby district employees would be able to contribute at least 4% of their annual salary to purchase an additional 1% annuity benefit, to be applied to their final annuity at retirement. Presently, they were amending it... we're actually saving the taxpayers a lot of money, because presently they pay 3%, where now the employees would have to pay 4% and the... Right now, the optional plan that we are proposing is 1% compared to 2.9... 2.19% before. So, this would save a lot of money for the taxpayers as well as the district and I ask that the Amendment be adopted."

Speaker Hartke: "Is there any discussion on the Amendment? The Chair recognizes Representative Hoeft from Kane County."

Hoeft: "...the Sponsor yield, please?"

Speaker Hartke: "Sponsor will yield."

Hoeft: "Representative, please help me on this. Is this the plan called the Plan of 80, are we moving down from 85 to 80 on this Bill?"

Bugielski: "No, that's what they wanted, but this is not it. This is something else that they came up with, this is not the original, what they were asking for."

Hoeft: "So, this is the alternative that they were discussing this morning?"

Bugielski: "I'm sorry."

Hoeft: "This was the alternative they're..."

Bugielski: "Right. This is an alternative to what they were originally asking. They would've liked that, but there's no way that that would've passed."

Hoeft: "Thank you."

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Speaker Hartke: "Further discussion? The Chair recognizes Representative Parke."

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, what's the advantage then to this person that... to have money taken from their check?"

Bugielski: "Well, the advantage is that they're going to get an additional... they're going to raise their annuity. Is that..."

Parke: "And the average citizen can't do this?"

Bugielski: "They... they... well, this is for the employees of the district that work at the Water Reclamation District right now. They would be paying an additional amount into the annuity for a larger benefit. Right now, what we're doing is toning it down, because right now, they are paying 3%, where now they're gonna have to pay 4%. All right. They're gonna have to pay more into it to get a lesser amount than what they're getting right now. Right now, it's costing the district \$4 million a year. Now, it's gonna cost them \$600 thousand. They're going to save over \$3 million by doing it."

Parke: "Why... why would these employees want to do this? I mean why don't they just let the... the... the system pay for it?"

Bugielski: "It's an optional... it's an optional plan. We're not saying that they have to do it. If they want to get more money they could pay an additional amount. Some people are in the situation that they would like to do this."

Parke: "Why don't they just establish a deferred compensation plan? I mean there's gotta be..."

Bugielski: "That's their... that's their choice. This is a choice that we're giving them. Right now, it's costing the

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district \$4 million. By doing it this way, we're going to save the taxpayers over \$3 million by doing it this way. We're not saying that they have to do it, that's up to the employees' choice."

Parke: "Okay. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4509? All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments. A fiscal note's been requested on the Bill. And the note..."

Speaker Hartke: "The Bill will remain on Second Reading. House Bill 4414. Representative Davis. Monique Davis. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4414 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4322. Representative Davis. Steve Davis. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4322, a Bill for an Act in relation to the transfer of real property. Third Reading of this House Bill."

Speaker Hartke: "Representative Davis."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. House Bill 4322 is a Bill that authorizes the Director of Natural Resources to convey and quit claim to the City of Granite City a nonexclusive, unobstructed, perpetual easement on an 80-foot right-of-way for \$1.00. The City of Granite has purchased this property for the purposes of constructing, installing, and maintaining a

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storm water ditch on the property. The Department of Natural Resources retains the power to place conditions to protect the public interest. DNR and the city have been working closely for the past several months to insure the success of this project. They have a very bad flooding problem in what is called the Dover Slough area down in my district and it's necessary to construct this ditch. And we have had full cooperation from DNR. And I would ask for the passage of this Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4322?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Curry. Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And the House does pass House Bill 4322. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1871. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1871 has been read a second time, previously. No Committee Amend..."

Speaker Hartke: "Mr. Clerk, out of the record with that Bill. House Bill 4257. Representative Erwin. Judy Erwin. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4257, a Bill for an Act concerning aquariums. Third Reading of this House Bill."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker, Members. House Bill 4257 is a Bill that will give flexibility to museums in the park to allow them to have free days that are more conducive to bringing

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Illinois visitors to the museums. This is actually a Bill that we passed two years ago, but it was sunset. It passed overwhelmingly, but we wanted to make sure that changing when the free days fell we mandate that museums in the park have a free day for all visitors and we decided that it was obviously better to place those days when it would most impact Illinois residents. I would ask for your support."

Speaker Hartke: "Any discussion on House Bill 4257? Representative Black, the Gentleman from Vermilion."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I... I am confused about this Bill in that... I don't understand why it's here. The museums that you're talking about are generally located in the City of Chicago, are they not?"

Erwin: "Right, all of them are. And... and you know what, it's like a lot of things around this place, Representative Black, why things are in statute when they don't need to be, hey, go figure. But what I do know is that we have a law that requires museums on park district property statutorily to have one free day per week. Okay, they were doing that and two or three years ago they came and said, ya know what this actually disadvantages Illinois residents, because one free a week in the summer when there's scads of all the out of towners we would prefer to have it... have may be more free days. And since they now monitor their visitors so that actually Illinois residents and Chicago residents who pay for these institutions through their property taxes would have better access. So, we experimented at the request of the Speaker, actually. It was sunset for two years. So, after two years it was

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sunset, we passed this Bill and the results have actually shown that Illinois residents are attending and visiting museums more than they used to under the old plan. So, that was the idea. It appears to be very successful and I have no idea why this has to be in statute, but it's there."

Black: "I guess the only problem I have is, I mean, these decisions basically are administrative in nature and I would think that the museum boards are perfectly capable of making that decision. And if we mandate free access one, two days a week whatever it may turn out to be, then at some point you know where they're going to turn to make up lost revenue. Right?"

Erwin: "Right. Well, but we... Representative Black, for as long as, I don't know, but it's a long, long time, they have been mandated for one free day per week. And... and... and as I said three years ago, obviously, the boards of all the museums support this. This is their Bill. They came three years ago with a pilot. It was sunset after two years. The two years are up. If we don't pass this Bill it will go back to mandating it the old way by law. And that's what we don't want to do. So, we... we only sunset it at the Speaker's request because he wanted to make sure that it... there weren't any unintended consequences that were disadvantageous to Illinois or Chicago residents."

Black: "All right. So, I... I assume then from your comments, the various boards of directors, friends of the park, et cetera, are in favor of this Bill?"

Erwin: "A hundred percent."

Black: "Well, far be it for me to say that they're perfectly capable of running their own operation, but if they think this is what they need, that's fine with me. I don't have



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any objection. But at some point I would hope that this Body will not continue to interfere, because I suppose we could make then the next logical thing'll be four days a week, six days a week, seven days a week and then of course, the problem comes how do you finance the... And these are world class attractions. And I don't want to do anything that would simply dry up their revenue stream or their cash flow to the point where they either close or come to the General Assembly for a substantial subsidy to operate. But if they have been able to do it successfully and they think this is the only way, I'll vote for it. But someday when... when you're no longer here and you become a very powerful lobbyist..."

Erwin: "Yeah, right."

Black: "... maybe you can come back and change a lot of these things that are in statute that nobody knows why or how, but I'll defer to your expertise. I know you would do nothing to harm those world class attractions that do exist in the City of Chicago. And if you tell me this is what they want to do, I'll go along with it. But I'm really... there's a level of discomfort about telling very capable people how to run a world class attraction. But be that as it may, I'll defer to your expertise and I'll vote for the Bill."

Erwin: "Ya know, Representative, you raise a very good question and..."

Speaker Hartke: "The question is..."

Erwin: "... the truth of the matter, just to close, is that I don't know from whence this originated. And you're right. Why in the world should we be micromanaging. We don't do it to other park district institutions around the state. But as with many things, we tie ourselves in knots with

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statutes and rules. So, I would urge your strong support though, 'cause it is very important that these institutions maintain their world class status. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4257?' All in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4257. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4194. Representative Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4194, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Johnson."

Johnson: "Yes, thank you, Mr. Speaker. This Bill merely corrects and clarifies a previous provision that another state has... a similar law in New Jersey had a law that deals with consecutive sentences and... or not consecutive sentences, extended sentences where a prior convictions are our basis for that. And the holding in New Jersey in that court action basically said that in order to use prior convictions for extended sentencing and the statute was similar to ours, would basically require a separate proof beyond a reasonable doubt and almost a retrial of those prior convictions. This anticipates, really, that at some point maybe the State Supreme Court might hold that the language was ambiguous here in Illinois, as well. And so it's anticipatory and all we're doing here is clarifying it to come into compliance with the Apprendi decision in New Jersey and would ask for a favorable vote."

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Speaker Hartke: "Is there any discussion on House Bill 4194? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 4194?' All in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Forby, would you like to vote on this Bill? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4194. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3705. Representative Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3705 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Delgado, has been approved for consideration."

Speaker Hartke: "Representative Delgado on Amendment #1."

Delgado: "Mr. Speaker, I'm at a disadvantage. I need a copy of the Amendment, on the Floor Amendment #1."

Speaker Hartke: "Okay."

Delgado: "Mr. Speaker, thank you. Amendment #1, the language of House Amendment #1 is the agreement reached by the opposition of this Bill and its proponents. IFT... House Amendment #1 still changes the name of the Professional Personnel Advisory Committee to Professional Personnel Leadership Committee. The Amendment changes the purpose of the committee to develop and formally present recommendations to the principal and the local school councils. House Amendment #1 allows the PPLC to review the three-year school improvement plan, otherwise known as the SIPAAA in Chicago. The Amendment also changes the

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composition of the PPLC committee to consist of seven members elected each school year and two teacher members of the LSC. It should be noted that the two teachers on LSC remain there. And we did this with an agreement, because obviously, it's my interest to protect the power and the integrity of the local school councils, but at the same time to be able to continue to develop a working relationship with the teachers who know what's going on all day long and to provide that counseling and recommendations to the overall budget of that particular school. And I would ask for your approval of Amendment #1."

Speaker Hartke: "Is there any discussion on Amendment #1? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 3705?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4942. Representative Feigenholtz. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4942, a Bill for an Act concerning pest control. Third Reading of this House Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. House Bill 4942 is a Bill that amends the Structural Pest Control Act to provide any person convicted of a second or subsequent violation is guilty of a Class IV felony. There were a few matters that needed to be cleaned up in this Bill. The Retail Merchants, as well as the Pest Control Association requested that we cleanup some language. We did that and I believe that there is no opposition to this Bill now. I'd be glad to answer any questions."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recog... Representative Cross. He declines recognition. The question is, 'Shall the House pass House Bill 4942?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does pass House Bill 4942. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4053. Representative Leitch. Mr. Clerk, out of the record. Mr. Leitch, your Amendment has been approved for consideration. Out of the record. House Bill 3744. Representative Flowers. Mary Flowers. Your Amendment has been approved for floor consideration. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3744 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Flowers, has been approved for consideration."

Speaker Hartke: "Representative Flowers on Amendment #3."

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Amendment #3 just really kinda clean up the language a little bit in the Bill. And I know of no opposition to the Amendment."

Speaker Hartke: "Chair recognizes Representative Cross for a question on the Amendment."

Cross: "Thank you, Mr. Speaker. Just one question of the Sponsor. Representative does this now remove all of the opposition to the best of your knowledge of the Bill... that previously have been... of those that were previously

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have been opposed to the Bill?"

Flowers: "I know of no opposition to this Bill."

Cross: "Okay. Thanks."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to House Bill 3744?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4429. Representative Forby. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4429, a Bill for an Act concerning townships. Third Reading of this House Bill."

Speaker Hartke: "Representative Forby."

Forby: "Yes, thank you, Mr. Speaker. 4429 is a township Bill. What it does is clarify the Bill that the operator of senior citizen program, construction maintenance of senior citizen centers. Second, contract the township hall. Used to is in five years, we're changing it to ten years. Third, is borrowing money, where you could only borrow for one year, we're gonna make it 'til ten years. And last, the Bill makes clear that the General Assembly... general assistance can transfer money. I'll answer any questions."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, is this a... is this your first priority?"

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Forby: "No, it's my second."

Black: "Oh, well then, let's take it out of the record. What was your first priority?"

Forby: "We passed it the other day."

Black: "Wait a minute. You've passed one priority and you're on your second priority, I haven't had any priority."

Forby: "They tell me you're coming up next."

Black: "I'll bet. Okay, I'll hold you to that. Representative, I... I'm not sure I understand this Bill in seriousness. Let's go over it. It appears to me that it's an omnibus Bill that has to do with taxes, transferring of tax funds. Let's just take a look at the Public Assistance Fund transfer. Provides that funds may be transferred from the Public Assistance Fund to the General Township Fund by a vote of the legal voters at the annual township meeting. Now, that meeting has to be publicized, correct?"

Forby: "That's correct."

Black: "And everybody goes."

Forby: "Yes."

Black: "Okay, let's say that the residents of the township at the town meeting say yes, we'll do that. How long does this continue? I mean, does it then go on until it is voted out?"

Forby: "One time."

Black: "One time, but for how many years? Is it just a one-time transfer?"

Forby: "Yes."

Black: "All right. Is there a minimum amount of money that shall be left in the Public Assistance Fund?"

Forby: "\$5 thousand."

Black: "Okay. All right. Now, explain to me what happens if in that... if in the ensuing fiscal year while you have

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transferred out a balance of say 50 thousand. Suddenly, there are \$10 thousand in claims on the Public Assistance Fund and only 5 thousand in the bank. Now, now... what does the township do?"

Forby: "They pay the \$5 thousand and then they have to go to a resolution to pay the rest."

Black: "Okay. Because I... as I recall from my days on local government, there is an appeal process if you're denied, is there not, before a township assistance board?"

Forby: "If they've spent all their money they'll have to go to a referendum."

Black: "A referendum at an election or a referendum to be voted on at the town meeting?"

Forby: "At election."

Black: "Okay. Can you tell me and this Bill's been amended so many times and forgive me, that's why it's somewhat confusing. Can you show or can you point out to me in the Bill where the \$5 thousand balance is referenced in the Public Assistance Fund? We're having trouble finding that."

Forby: "No, I can't show you. I might have been incorrect. I can't find it."

Black: "Yeah, we're having trouble. It appears that they can transfer out the entire fund balance. I would not think that would be good public policy. Because we can find no language that leaves any balance in the Public Assistance Fund. You might ask staff... there's so many Bills and so many Amendments to this, you may have referenced another Bill."

Forby: "We might want to put that one in it when it goes to the Senate."

Black: "All right. Could you explain to me the senior citizen



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tax levy? How... would that be a public referendum at election or handled by a meeting at the town board... or of the town meeting?"

Forby: "It just says they can specify, spend this money for senior citizens."

Black: "Is the senior citizen levy already in the code? I think it is, I... I. All right. So, this would be a technical change to what is already in the code as far as senior services, correct?"

Forby: "Yes."

Black: "All right. The only other thing that I need some... a clearer picture is on the road district borrowing money. Now, they can currently borrow for five years. Are you simply increasing it to ten?"

Forby: "That is correct."

Black: "Can we focus in on that? Is there... is there a way that they can borrow money from another fund or is this strictly borrowing money from a lender, a bank, et cetera? You're not allowing them to borrow from another town fund, are you?"

Forby: "No, just from a lender."

Black: "Okay."

Forby: "I'm pretty sure. We're checking on that."

Black: "What restriction, other than that of common sense for people who run for election... now I assume, I don't see it in the Bill, but I assume that any money that a road district would borrow could only be used for a road project, but I don't see that specificity anywhere in the Bill. What I... what I... what I would have a problem with is if they borrow money and put the money in the road fund and then they build a storage facility. Now, one could argue that that's related. But what I would be very

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reluctant to do is to let them borrow money, put it in the road fund and then use it for nonroad usage. Is there any prohibition on that?"

Forby: "You'd have to have the approval of the town board what this money was going for. So, it should be spelled out what the money is for."

Black: "Well, I'm trying to remember my days on the county board. If the... if the... if you borrowed a substantial amount of money, first of all, the Bill clearly says it must be repayed within the ten-year period. What I'm trying to get straight in my head, can you borrow money from the road fund, pay it back out of the road tax levy and then use the money for a nonrelated expense, i.e., we're gonna put in storm sewers, we're gonna put in sanitary sewers, or we're gonna build a new town hall?"

Forby: "Are you... would you repeat that?"

Black: "Yeah. I'm not clear from reading the Bill. If you borrow the money, I understand that it has to be repayed out of the road levy and it must be repayed within ten years. What I'm trying to figure out, is if there are any assurances in the actual language of the Bill. If there is I can't find it. I don't think it's good public policy if you go to a bank and borrow \$250 thousand and you put it in the road fund, most people in the township are going to assume you're going to improve a road or build a bridge on a township road. I don't see any prohibition that you couldn't turn around and use the \$250 thousand to build a storm sewer system, improve drainage, or build a town hall."

Forby: "I don't know if it's in the language or not, but they'd have to go approve this loan through the town board before they done it."

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Black: "Approval by the town board, I assume that you mean at just at a meeting of the town board, not the town meeting?"

Forby: "That is correct."

Black: "Then that would let a very small group of people, on a divided vote... What I'm getting at is I think it's disingenuous to say we're going to borrow money for the road fund and then you're able to turn around and spend the money on items not related to road and bridge maintenance. I... I... I'm not sure that's good public policy."

Forby: "I don't believe there's any difference in what it is... ya know, where they can borrow up to five years now. All we're doing is just changing the five years to ten years."

Black: "But aren't... aren't you changing the... it appears to me that you 're even changing current language that if they borrow it from another town fund they have to pay it back within one year."

Forby: "I'm sorry, the only thing we're doing is changing it from one year to ten years."

Black: "All right. I, Representative, I appreciate your a... your concern for township government and I will certainly listen to the other questions and your answers. I don't have any specific problem with what you're trying to do. It appears to me that the Bill is very, very broad and would allow the borrowing of money for a purpose that I think is implied by the title of a fund, but then letting the money be spent for something not related to that fund. And I think... and again I think if a township, particularly in my area, were to do that they would pay a price at the next election. But I'm not sure it's good public policy and I'll listen and maybe it will become clearer during the debate. But if you borrow money for the road fund, I think it should be stipulated that the money

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must be spent on a road or a bridge or a related project, not just a general expense that the town board may consider to be appropriate. That's a concern I think residents in rural townships certainly have because of the condition of the roads."

Forby: "Well, the biggest problem like where I come from, may be you too, our township is awful poor..."

Black: "I understand that."

Forby: "...and it's awful hard to pay back in one year."

Black: "And I don't have any problem with the ten years. I know where you're coming from on that. It's impossible with most town road levies to get enough money to build a... to replace a bridge. I mean you just can't do it with a one year levy in the average rural township. My concern is that it appears to me that it allows this borrowing and a ten-year pay back, but I think the average resident would say if you're going to borrow a quarter million dollars for the road fund, I would expect that money to be spent on a road or bridge project. As I read this Bill, the town board could borrow money from the road fund and spend it literally on anything. And I really question whether that's good public policy, but again I don't think that's your intent, but I see no language in the Bill that would prohibit that. And with the temptation, well, temptation's a bad word. With all of the pressures on the township budget, it might be easier to borrow money in the road fund because of the ten-year pay back and then use the money to build a town hall or to construct a park and I think the residents of the township would say that... that's a... that is not the intended purpose of borrowing in the road fund. And I just... I'd be more comfortable if there was specific language that says any money borrowed, that is put

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in to the road fund levy be spent on a road-related project. And again, it may be in there, I just can't find it. But I do appreciate your patience."

Speaker Madigan: "Representative Mulligan. ... and Mr. Hartke. Hartke."

Hartke: "Thank you very much, Mr. Speaker. The previous speaker was suggesting that the town board had the authority to borrow money and then use it for another purpose. He may be right, he may not be right. But that's not what this Bill is talking about. The only thing this Bill does is, as far as giving the township trustees the authority to borrow that money is the change of the time frame from one year under current statute, which is scratched, to adding ten years to the system. Now, if the previous speaker wanted to put some other safeguards in that there's opportunities to introduce a piece of legislation to put those safeguards in there. Many small townships have a very hard time putting together necessary funds over a period of time and so forth and need to borrow money to buy new equipment or to build a bridge. I think Representative Forby's Bill is a very good idea and it addresses that issue and I urge your support for the Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 88 'ayes', 25 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Fowler, did... you don't wanna move 5779? You're always next in our hearts. How about Mr. McAuliffe? Mr. Black, could we... Mr. Black, could we call the Bill for Mr. McAuliffe? House Bill 5941, read the

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Bill. Representative Hartke in the Chair."

Clerk Rossi: "House Bill 5941, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5941 would allow the Secretary of State Office to suspend or revoke the drivers license of a person under the age of 21 who purchases or attempts to purchase or consumes alcohol at a business licensed to serve or sell alcohol. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 40... or 5941? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5941?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 59 Members voting 'yes'... 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And House Bill 5941, having received a Constitutional Majority, is hereby declared passed. House Bill 5140. Take that Bill out of the record. House Bill 4900. Representative Fritchey. Mr. Fritchey. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4900, a Bill for an Act concerning partnerships. Third Reading of this House Bill."

Speaker Hartke: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. House Bill 4900 would allow Illinois to adopt a revised Uniform Partnership Act which was created in 1997. It is an initiative of the Uniform Law Commission, as well as the Bar Associations of Illinois and Chicago, and is also supported by the Secretary of State's Office. I'd request a favorable consideration."

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Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4900?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And House Bill 4900, having received a Constitutional Majority, is hereby declared passed. House Bill 5961. Representative Meyer. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5961 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Meyer."

Meyer: "Speaker, I do have an Amendment. It has been filed. I believe it should be in Rules at the present time. Does this need to go to third?"

Speaker Hartke: "Okay, let's move that Bill back to Second Reading for the purposes of adopting an Amendment at the request of the Sponsor."

Meyer: "Thank you, Mr. Speaker."

Speaker Hartke: "House Bill 4188. Representative Mitchell. Bill Mitchell. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4188, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4188 gives counties and municipalities the authority to regulate establishments that permit the consumption of alcohol on premises and it's important that this applies only to places of public

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accommodation. We have in DeWitt County... in DeWitt County we have a after hours club that people bring alcohol to the establishment, come there intoxicated and then, unfortunately, we've had about several fatalities because of this situation. The small village, it's about 350 people, would like to regulate it, but under present Illinois Law they cannot. This Bill would allow the board to set certain parameters for this club."

Speaker Hartke: "Is there any discussion on House Bill 4188? Chair recognizes Representative Bost. He declines recognition. Seeing that no one is seeking recognition... Representative Black."

Black: "Yes. Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "If I go on this Bill as a cosponsor would it count against one of my priorities? Oh, well, then I won't. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "All right. Would you please tell the Chief of Staff not to fall into the flag. He just fell into the flag and almost knocked it over."

Speaker Hartke: "I'll look for him."

Black: "He's... now he's blaming the Majority Leader which is not a wise move, in my opinion."

Speaker Hartke: "The questions of the Sponsor... your question to the Sponsor is?"

Black: "Oh, the question to the Sponsor, I was so fascinated with what was going on in the podium, I lost my train of thought. All right. Yes, the question of the Sponsor."

Speaker Hartke: "You have been derailed before, I know."

Black: "Yes. I have no clue what I was going to ask him. But



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let me stop and think. Oh, I know, I thought they could already regulate liquor. I mean they have to have a license."

Mitchell, B.: "This is a... as it was an after hours club, Representative. It's in a small county. It is a non-Home Rule."

Black: "What is an after hours club?"

Mitchell, B.: "Well, in this situation, this happens to be a strip club."

Black: "A what?"

Mitchell, B.: "They... to get specific, they don't sell alcohol here, they bring it in and that's why it's a... an after hours establishment, BYOB, that's correct."

Black: "There are places that don't have a liquor license that you can bring your own liquor in?"

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

Black: "Well, that sounds like a place where Representative Bost lives. I... I mean, I'm having trouble visualizing... this... this is... I mean I can open a business, without a liquor license, and have people bring their own liquor in?"

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

Black: "How do I make any money? What is there, a cover charge, or...?"

Mitchell, B.: "I have not been to this particular establishment, so..."

Black: "Well, now wait a minute. If you haven't been there, how do you know what this club is?"

Mitchell, B.: "I believe that there could be a fee to get in there."

Black: "You have reason to believe?"

Mitchell, B.: "That there is a fee to get in."

Black: "Just a moment. Okay. Yeah. Senator Noland has studied

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the issue and said it's a good idea. And since he could probably go under the door without even having to open it, whatever Senator Noland wants is what I want."

Mitchell, B.: "He's a great State Senator, I appreciate that."

Black: "He's an outstanding statesman. So, let's give one for Senator Noland, right."

Mitchell, B.: "That's right."

Black: "All right."

Mitchell, B.: "If I can get this Bill passed with him, good."

Speaker Hartke: "Further discussion? Seriously? The question is, 'Shall the House pass House Bill 4188?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4188. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5000. Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5000 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5967. Representative Mitchell. Jerry Mitchell. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5967, a Bill for an Act concerning deductions from state warrants. Third Reading of this House Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5967 is a very simple Bill that simply says that if you, in fact, have a rebate coming for

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KidCare, the insurance on your children, the Comptroller's Office cannot take that money for some other bill that you may have with the State of Illinois. This came up as a constituent in my district. A young lady who signed her child up for KidCare and was paying the KidCare cost, expecting a rebate, when she got a letter from the Comptroller saying that she had an old debt from college and she took the money or they took the money from the KidCare rebate which she ill... could ill-afford and applied it toward that debt. As a result of that, she had to cancel the insurance on her child and the child was then uninsured. So, let's just insure that the money for KidCare has to go for KidCare. I urge an 'aye' vote. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5967?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5967. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5000. Representative Hoffman. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5000, a Bill for an Act in relation to alcoholic liquor. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill would amend the Liquor Control Act by allowing the Illinois Liquor Control Commission to appoint

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hearing officers to act in a quasi-judicial fashion and the Bill would allow the commission to promulgate rules to implement the appointing of these hearing officers. Right now the Liquor Control Commission regulates the activities of 22 thousand licensees. Every licensee who violates the Liquor Control Act has its case reviewed by the Commission, what... Commission's legal department, ultimately by the seven commissioners. This would allow, like we allow in other state agencies, them to appoint hearing officers to do that function."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question... Representative Steve Davis."

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

Speaker Hartke: "Sponsor will yield."

Hoffman: "No, no, no."

Davis, S.: "Representative..."

Hoffman: "No, no, I would rather not."

Davis, S.: "I didn't think you would."

Speaker Hartke: "He refuses to answer. Would you like to address the Bill?"

Davis, S.: "Under this..."

Hoffman: "I'm kidding."

Speaker Hartke: "He's kidding."

Davis, S.: "Under this Bill are they gonna have to hire more of these liquor control officers? Is that correct?"

Hoffman: "Well, currently, what has to happen is the seven commissioners review all of these violations. This is an initiative of the Associate Beer Distributors of Illinois in an attempt to make the review process more efficient. So, what we'll do is we'll have hearing officers similar to the Secretary of State and other agencies."

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Davis, S.: "How many hearing officers do we have now?"

Hoffman: "There are none, because they don't allow..."

Davis, S.: "Oh, okay so you're going to create hearing officers at what and at what rate of pay then? Is that in the Bill?"

Hoffman: "No, it isn't. That will be up to the Liquor Control Commission."

Davis, S.: "Okay and you don't have no idea how many that they'll have to hire?"

Hoffman: "They... they don't... this doesn't require them to do anything, they may appoint."

Davis, S.: "May appoint. Okay. That's all. Thank you. Just wanted to keep you on your toes."

Speaker Hartke: "Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "For you, yes."

Hoffman: "Yes."

Black: "Representative Hoffman, I assume these people will want to be paid. If they're going to do this service would they not expect compensation?"

Hoffman: "Yes, if the Liquor Control Commission does not want to or does not have in their budget the means to hire these hearing officers, they don't have to. This just gives them that authority."

Black: "All right. But if they do... if they do hire them, there's no prohibition that they would simply send the bill to the Comptroller and I assume that bill would come out of General Revenue Funds."

Hoffman: "It would have to be in the Liquor Control Commission's budget."

Black: "Do you have any indication from them as to how... how

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they may be leaning towards paying these people, out of fines or will they ask for a budget appropriation out of very scarce General Revenue Funds?"

Hoffman: "There is a fiscal note, because what would be required by the Liquor Control Commission is they would have to establish administrative procedures. They'd submit the rules to JCAR. They would have to potentially hire hearing officers. They're estimating that the hearing officers would be paid and this is just an estimate, \$80 per hour, estimated 3 hours of minimum per hearing. And there'd have to be a court reporter that would have to transcribe for these hearings. So, they're talking about a potential, if they had hearing officers, of a hundred and sixty-five thousand, seven hundred and fifty dollars a year and then court reporter time and transcripts. And the bottom line... the bottom line total, I believe, would be \$245,750 that they estimate, if they hired all the hearing officers needed to fulfill the functions."

Black: "Did that fiscal note come from the Liquor Commission?"

Hoffman: "Yes."

Black: "All right."

Hoffman: "It's in my file."

Black: "Okay. Well, at least they gave you one. Wait a minute, look, I have one."

Hoffman: "Yeah, what's in it?"

Black: "I just had to ask the right staff."

Hoffman: "It's very thorough, it's three pages."

Black: "All right, I appreciate you answering the question. I do think we have to be very careful on any Bill that we pass in this Session about putting any pressure that currently isn't there on the General Revenue Funds. And I think there is a way to hire these people without doing that, but

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you leave that to the discretion of the Commission, correct?"

Hoffman: "Yes..."

Black: "All right."

Hoffman: "... and this says 'may'. It's purely permissive. I... and Representative, I wish I had the answer to this and I don't want to give you wrong information, but I believe that fines... the fines and the fees that are collected could go towards hiring these hearing officers, as well as the licensing fees. I think that's how the Illinois Liquor Control Commission is by and large funded today."

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

Speaker Hartke: "Further discussion? Chair recognizes Representative Johnson."

Johnson: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Johnson: "Jay, maybe you could just explain to me, why do we need to do this? You're saying that there are no hearing officers now, what... what happens? I mean, how are we doing the hearings? Are these all local?"

Hoffman: "No, what's happening now is that every licensee who violates the Liquor Control Act, has its case reviewed by the Liquor Control Commission's legal department and ultimately, the seven commissioners make their determination. The actual liquor control commissioners make determinations as to what's gonna happen in each of these cases. With 22 thousand licensees, this takes a long time and they are very far behind, it's my understanding. So, what we would do is we would allow hearing officers, very similar to the way that we allow hearing officers for the Secretary of State to make determinations on licenses and for Environmental Protection Agency, the Department of

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Human Rights, all those agencies have hearing officers that then is reviewed... their determination is reviewed by the Commission."

Johnson: "Okay. Now, would these be a separate set of new hires or... and is there special training involved in becoming a hearing officer or can we contract this out, for example, to the private bar and to others? Is there anything in your Bill that addresses this or are we gonna just grow a new agency here?"

Hoffman: "No, all this is doing is it gives them the permissive ability to hire the hearing officers, so that they can have expedited hearings, if they wish. If they don't have it in their budget, they don't have to do it. I doubt that they will be full-time officers. I think what they will do, is like they do in other agencies, is contract it out and pay an attorney or someone else like that to perform these hearings."

Johnson: "Okay. There's nothing in your Bill that prohibits that or anything of that nature that they can go to the private sector to do this."

Hoffman: "No, and as a matter of fact, in their fiscal note I believe that they, they put down that they would be paid per hour, so they would not be hired."

Johnson: "Okay, do you know what the backlog currently is?"

Hoffman: "I don't have that information, I apologize."

Johnson: "Okay. Do these commissioners get paid? Because I see you're increasing the number of commissioners, as well?"

Hoffman: "I think... I'm sure the liquor control commissioners get paid."

Johnson: "Yeah..."

Hoffman: "This does not affect them."

Johnson: "Well, you're increasing the number."



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Hoffman: "No."

Johnson: "Aren't you?"

Hoffman: "No."

Johnson: "My analysis says that you're increasing the number by two. Is that wrong? Maybe I misread it, but..."

Hoffman: "It's my understanding all this is doing... And let me find... let me find it real quickly."

Johnson: "What's the salary of a commissioner?"

Hoffman: "I don't want to mislead you. My analysis indicates that all this would do is it allows that the Illinois Liquor Control Commission may appoint at the commission's discretion hearing officers and that's what the Bill... Bill does. I don't believe we're increasing the number of commissioners, no."

Johnson: "Okay. Do you know what the salary of the commissioners are?"

Hoffman: "No, I don't..."

Johnson: "And how many there are?"

Hoffman: "And this doesn't affect that. This doesn't affect that. Are you interested, Representative?"

Johnson: "No, no. No, no. That's not my thing."

Hoffman: "Ya know, you're inquiring... you are leaving the General Assembly."

Johnson: "It's not my thing."

Hoffman: "All right. I thought maybe you were interested."

Johnson: "Huh?"

Hoffman: "I thought maybe you were interested."

Johnson: "I was gonna be your..."

Hoffman: "I would write you a letter of recommendation, if you're interested."

Johnson: "I was gonna apply to be your aide. Can I be your aide?"

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Hoffman: "If you would like to move to Collinsville, you'd be welcome."

Johnson: "All right. Great. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Hoffman to close."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This simply allows the Commission, to at its discretion, to appoint hearing officers to review the Liquor Control Commission cases."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 5000?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted how wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, does... having received a Constitutional Majority, is hereby declared passed. House Bill 3451, Representative Moffitt. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4451, a Bill for an Act concerning workers' compensation. Third Reading of this House Bill."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. House Bill 4451 was brought to me by the Industrial Commission and it would allow the Industrial Commission to have the authority to increase borrowing to \$15 million for purposes of the Rate Adjustment Fund. Currently, their borrowing authority's limited to 7 million. This fund provides annual adjustments to persons receiving death benefits or permanent total disability benefits through the workers' compensation system. This

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Amendment is discretionary. The Industrial Commission may request increased borrowing, however the Comptroller has the final authority to accept or reject that request. A recent estimate reported that... projects that payouts from the Rate Adjustment Fund will continue to increase over payments made into the fund, eventually exceeding the borrowing authority. This change, if we would give them that authority, would address cash flow problems for the Industrial Commission and ensure that continued payments from the Rate Adjustment Fund be made in a timely manner. I know of no objection to this. We're not increasing payments. We're not increasing rates. We're simply saying that people entitled to payments to the Rate Adjustment Fund that they should have their payments in a timely manner. Be happy to entertain any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4451?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted how wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does pass House Bill 4451. And this... having received a Constitutional Majority, is hereby declared passed. House Bill 5739, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5739 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, please read that Bill."

Clerk Rossi: "House Bill 5739, a Bill for an Act relating to

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education. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker."

Speaker Hartke: "You're welcome."

Mulligan: "House Bill 5739 allows the school district to claim administrative costs incurred by the district for children who are wards of the state and placed in private residential facilities other than foster homes within the district. It amends the Children's With Disabilities Article of the School Code."

Speaker Hartke: "Excuse me, Representative Mulligan. Ladies and Gentlemen, Ladies and Gentlemen, please. Shh. Thank you very much. Representative Mulligan."

Mulligan: "Thank you so much. It would have been easier to pass if... House Bill 5739 allows the school district to claim administrative costs incurred by the district for children who are wards of the state and placed in private residential facilities other than foster homes within the district. It amends the Children's With Disabilities Article of the School Code."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5739?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5739. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4727, Representative Holbrook. Representative Holbrook. Out of the record. House Bill 5840,

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Representative Jones, Lou Jones. Out of the record. House Bill 4103, Representative Howard. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4103, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Hartke: "Representative Howard."

Howard: "Thank you, Mr. Speaker. House Bill 4103 creates the Illinois ex-offenders Employment Stabilization Act. And the purpose of this new Act would be to improve employment rates for Ex-Offenders and thereby reduce recidivism rates. The Bill establishes a pilot grant program to be administered by the Illinois Criminal Justice Information Authority. Acting upon the advice of an advisory board, the Authority would make grants to programs designed to increase employment opportunities for ex-offenders."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Parke."

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative Howard, is this the legislation you and I've been working on?"

Howard: "Yes, this is that."

Parke: "Okay. And, in fact, it does have a five-year sunset. And it does report to the Illinois General Assembly each year for five years as to the effectiveness of it?"

Howard: "It does have the sunset."

Parke: "But accordingly, what is the cost of this issue this..."

Howard: "There's no cost that's been assigned to the legislation, yet."

Parke: "But this is going to cost the state some money, you just don't know how much. Is that correct?"

Howard: "That's exactly it. We have no idea."

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Parke: "And according to this it has to be appropriated, so there's no appropriation been assigned to this."

Howard: "There's no appropriation and this is subject to appropriations. We also hope to be able to get money from other sources for this program."

Parke: "Well, Ladies and Gentlemen, to the Bill. The Representative has been more than gracious in working with me to come up with some safeguards that I think it is in it. I still have a problem with not having funding at this point, but the effective date is not until next fiscal year and hopefully, our economy will be better. I mean, the underlying Bill has merit and it does work on a problem of giving offenders an opportunity to have meaningful employment which is what is important to keep ex-offenders from going back to prison. We want 'em to have meaningful and productive lives. And it's very difficult for a ex-felon to do that. So, I think the Bill has merit. I just have a concern about how we're going to pay for it. But the Sponsor's been... has done a good job in trying to address some of the issues I've brought up. And I'm going to support the Bill."

Speaker Hartke: "The Chair recognizes Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. First of all I would like to commend Representative Connie Howard bringing forth this initiative and to continue to work on this initiative. This Bill is the type of legislation that I think we're all down here for as Legislators. We know that every year when we vote on the budget the Department of Corrections budget increases, one of the largest budgets here under this dome. And we have to begin to seriously look at combating that budget, that increase of that budget. And one of the ways

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is to look at... and to stop the bleeding of that budget. And I believe this legislation truly attacks the bleeding of that budget, and that is to deal with the issue of recidivism. We have more and more of our young men and women continuously entering into the penal system and then as soon as they are released to society they're going back to their environments in which they're committing the same types of crimes in which they just came out of. We have to begin to fight against this issue. We just had the previous speaker ask the question how much this legislation would cost, what this Bill would cost? What is the fiscal note? But, I would like to sort of answer that by saying that if we could truly put the price on what it costs for an individual that continues to come in and out of the penal system, what is that cost to the taxpayers to the State of Illinois? And once again there's no amount of cost that you can put on an individual that has paid their debt or dues to society and to come out to be a productive and viable individual in this society and become a member and a paying taxpayer of this state. And that's what we're trying to do and we're trying to give individuals a second opportunity, a opportunity of having a viable life in this state. And so, I commend the Sponsor. This is an easy vote. This is the vote that all Legislators would love to cast to say that they are trying to really stop the bleeding and stop putting Band-Aids on the problem, but to truly address the problem and that's what this legislation does. And I urge all of our colleagues to give an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Howard to close."

Howard: "Yes, thank you, Mr. Speaker. I appreciate the remarks

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of my colleague, Representative Giles. He couldn't have... I couldn't have said any better than he has said it. I just certainly hope that those here, in fact, are sensitive to the needs of individuals who have done their time, who are willing to turn over a new leaf and to become productive citizens. I urge a 'yes' vote from all of you. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4103?' All those in favor will signify by voting 'yes; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4103. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5611. Representative Shirley Jones. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5611, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Jones."

Jones, S.: "House Bill 5611 amends the Criminal Code to increase the penalties for criminal trespassing of a water filtration station, water pumping station, electrical facilities, natural gas facilities, other utilities facilities from a Class B misdemeanor to a Class IV felony. The City of Chicago brought the legislation and it's part of the City's efforts to combat terrorism. I'd ask for your favorable vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Burke."

Burke: "Thank you, Mr. Speaker. I rise in support of this



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legislation in our post-911 day. I think it's important that we do increase the penalties for any individual that would come in and attempt to offer disrepair to our utilities. I think the Lady has a very good initiative here. And I'd ask for the entire Body's support."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 5611?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Sorry, Mr. Bost. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5611. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4467. Representative O'Connor. Bill O'Connor. Out of the record. House Bill 4220. Representative Pankau. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4220 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Pankau, has been approved for consideration."

Speaker Hartke: "Representative Pankau."

Pankau: "Yes, I ask for your approval of Floor Amendment #1. This language adds to the Bill. It makes it now an Agreed Bill between the HMOs and the Med Society."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4220?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4344. Representative Parke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4344 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Parke, has been approved for consideration."

Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker. I offer Amendment #3 to House Bill 4344. Inadvertently, the size of... the location of a bumper had to be... we had it as nine inches but it has to be seven inches to comply with the State Police request and we have done that. Do you want to handle one Amendment at a time or both of them at the same time?"

Speaker Hartke: "One at a time."

Parke: "All right. So I ask for approval of House Amendment #3."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to House Bill 4344?' All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Parke."

Speaker Hartke: "Amendment #4."

Parke: "Ladies and Gentlemen, I'm proposing Amendment #4 to House Bill 4344. This is... also puts the legislation in compliance with what the State Police wants and that is the application for registration must be accompanied by an affirmation of the owner that the vehicle must be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses, and will not

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be used for general daily transportation. I would ask for approval of Amendment 4."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to House Bill 4344?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Representative Poe in the chamber? House Bill 5870. Representative Righter. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5870 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Righter, has been approved for consideration."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 1 to House Bill 5870 makes technical changes to the underlying Bill with regards to the creation of an expanded newborn screening program to be implemented by the Illinois Department of Public Health by July 1 of this year. The amended language removes the opposition of the Illinois Department of Public Health. And I would ask that it be adopted."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 5870?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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Speaker Hartke: "Third Reading. Representative Mautino in the chamber? House Bill 5627. Representative Simpson. Out of the record. Representative Simpson, did you change your mind?"

Simpson: "I don't wanna call the Bill at this time, Mr. Speaker. We're waiting for an Amendment to come through."

Speaker Hartke: "Fine. Out of the record. House Bill 5645. Representative Sommer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5645 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5645. Representative Sommer."

Clerk Rossi: "House Bill 5645, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Sommer."

Sommer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5645 increases the penalties for theft of poisonous gas, deadly biological, and chemical contaminants or agents, provides that it be a Class X felony. This legislation's really in response to the actions and the activities of last September. Hopefully, this legislation would give some teeth to anyone who might engage in such activities, such as, biological contaminant to the public. I ask for your support and would be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5645?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

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Tony... Would Wyvetter Younge like to vote on this Bill?  
Mr. Clerk, take the record. On this question, there are  
115 Members voting 'yes', 0 voting 'no', and 0 voting  
'present'. And the House... passed. House Bill 4211.  
Representative McCarthy. Mr. Clerk, Mr. Clerk, read the  
Bill."

Clerk Rossi: "House Bill 4211, a Bill for an Act concerning  
disclosure of information. Third Reading of this House  
Bill."

Speaker Hartke: "Mr. Clerk, move that Bill back to Second Reading  
for the purposes of an Amendment at the request of the  
Sponsor. Representative Poe or Mautino in the chamber?  
House Bill 6002. Representative Mendoza. Mr. Clerk,  
please read the Bill."

Clerk Rossi: "House Bill 6002, a Bill for an Act relating to  
higher education. Third Reading of this House Bill."

Speaker Hartke: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the  
House. House Bill 6002 amends the Family Practice  
Residency Act. This Act was creat... has created a  
nine-member advisory council to advise the Director of  
Public Health on programs that are administered by the  
Department, including programs that make grants to support  
residency programs. Currently, four of those committee  
seats are designated for family practice physicians. Four  
are reserved for representatives of the general public.  
And one of those seats is reserved for the dean of a  
medical school in this state. House Bill 6002 would simply  
allow an associate or deputy dean of a medical school to  
serve on the advisory committee in the place that's  
currently designated for the actual dean of the medical  
school. This is a very simple and straightforward Bill.

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It's supported by the Illinois Academy of Family Physicians, the Illinois State Medical Society, and the Department of Public Health. And hopefully, we can count on your support. And I would ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 6002? Seeing no... The Chair recognizes Representative Osmond, the Gentleman from Lake."

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

Speaker Hartke: "Sponsor will yield."

Osmond: "Representative Mendoza, is the CPA firms, the CPA association in favor of this Bill? CPA association?"

Mendoza: "The Certified Public Accountants?"

Osmond: "Certified Public Accountants. Do they have a position on this?"

Mendoza: "I'm sure they're very supportive."

Osmond: "This appears to be a counter Bill. That's why I was asking?"

Mendoza: "We've got a dean right over here and he's a cosponsor. Oh well, he's not at his seat right now, but a..."

Osmond: "The dean's gone?"

Mendoza: "The dean is gone. He's outside the building, but he is a cosponsor and hopefully we will have the support we need to get this."

Osmond: "So, you don't know if there's any opposition from the dean counters?"

Mendoza: "Nope, not that I know of. I think everyone so far is pretty much either a cosponsor on the Bill or a 'yes' vote."

Osmond: "All right. Thank you."

Mendoza: "Thank you, Sir."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass

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House Bill 6002?' All in favor signify by voting 'yes'; those opposed vote 'no'. 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 were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4129. Representative McKeon. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4129 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie on Amendment #2."

Currie: "Thank you, Speaker and Members of the House. What the Amendment does is to clarify that the Bill, the underlying Bill, which provides for the opportunity for a reverse waiver for mandatory changes from juvenile to adult court, applies only to those 15-and 16-year-olds who are charged with drug offenses near a public school or public housing unit. The measure came out of Judiciary II Committee on a 9-1 vote. And I'd appreciate your support."

Speaker Hartke: "Is there any discussion? We... The Chair recognizes Representative Kendall... or Representative Cross from Kendall County... the Gentleman from Kendall. Mr. Cross."

Cross: "You trying to be mean or funny or what, Mr. Speaker?"

Speaker Hartke: "No, Sir. Ni, I was getting... I'm sorry."

Cross: "You know, earlier the real Speaker was being mean to me this morning."

Speaker Hartke: "I would never be mean to you, Mr. Cross."

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Cross: "All right. I just want to make sure we... is the parliamentarian going to be mean to me? All right. So, now that we've cleared that up. Can I ask... If it's all right with you, can I ask her some questions?"

Speaker Hartke: "You may. You may. You may."

Cross: "Representative Currie, your Amendment... an identical Bill to your Amendment passed out of Judiciary? Did I hear that correctly?"

Currie: "No, the Bill that came out of Judiciary Committee was not in technically correct form. This Amendment was... what we felt the Bill did initially, so we amended the Bill to do what we wanted it to do in the first place."

Cross: "Give me, if you could, the essence of your Amendment, if you don't mind, again. It was a little noisy in here. Because I know it deals with the Automatic Transfer Section. Your Amendment deals with the Automatic Transfer Section of the Criminal Code?"

Currie: "The Automatic Transfer Section as it applies only to drug-related offenses near a school or a unit of public housing."

Cross: "And what does your Amendment say, or do?"

Currie: "It says that 15-and 16-year-olds who are charged with drug offenses under the Safe Schools and Safe Housing Act, that a judge could, on an individual basis, determine that the youngster should stay in juvenile court rather than go to adult court."

Cross: "And currently, under the statute... under the current law, those cases fall under the automatic transfer provision. Is that correct?"

Currie: "Correct."

Cross: "And so, under your Bill, a defense attorney could go into adult court or regular court and ask that these cases be,



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in essence, transferred back to juvenile court?"

Currie: "That's right."

Cross: "All right."

Currie: "It's a reverse waiver. It's just the opportunity for the judge to make that determination. As drafted, the Bill would have applied to all cases involving 15- and 16-year-old automatic transfers. That was not the intent. The Amendment at issue here, and Amendment 2, was the... narrowed the measure so that it clearly applies only to 15- and 16-year-olds charged with drug offenses in those safe zones."

Cross: "Are... What's the position of the Cook County State's Attorneys Office on this Amendment?"

Currie: "To my surprise, the Cook County State's Attorney Office opposed the original Bill, which as I say, was more broadly drawn and opposed this which, significantly, curtailed what the original measure would have done."

Cross: "How about the Chicago Police Department, if you know? Are they... So I want to make sure I'm clear. The State's Attorneys Office is opposed to the Amendment, the way it's drafted now?"

Currie: "And was opposed to the original Bill."

Cross: "Okay. Where is the Chicago Police Department on the Amendment?"

Currie: "We've not heard. No information."

Cross: "All right. Are there any groups 'for' this Amendment?"

Currie: "Yeah. The Juvenile Justice Initiative, ACLU... but I may have... my crack staff may give me a list. Thank you. Illinois State Bar Association, the Chicago Bar Association, the Children and Family Justice Center, the Illinois Collaboration on Youth, the Mental Health Association, Voices for Illinois Children, and the Chicago

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Area Project."

Cross: "All right. So, any drug charge committed in a school zone, within a school zone, this safe zone, regardless of whether it's a Class I, II, III, IV, or Class X, your Bill would allow then the juvenile to go in and ask that this stay... go back into juvenile court and leave the adult court?"

Currie: "Only drug offenses. As I understand it, it's only drug offenses. As I understand it, there is no Class X penalty for intent to deliver a controlled substance within a safe school zone. Now, Representative, let me just make the point. This is an Amendment. This is not the Bill. If you want to vote against the Amendment, then you're presumably saying that you like the broader application of this alternative waiver provision."

Cross: "I'm not sur... Representative, I'm not so sure what I want to do, but I want to make sure that people understand just... that what they're voting on or what they're gonna vote on. That this will be... could be perceived as a softer vote, if you will, on crime. Now, you and I could have arguments... philosophic arguments whether this is right or wrong from a juvenile court standpoint, but I think it's important that people, at least on our side, I don't know if you care as much on your side, but on our side that you could be perceived as... and you know how in campaigns we go and certainly your side creates mail pieces as does ours, that would suggest that if you voted for your Amendment you would be soft on crime."

Currie: "Right. I'm only making the point, technical point, that if you don't vote for my Amendment, you might be softer on crime."

Cross: "I find that hard to believe."

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Currie: "The underlying Bill is a lot broader than the Amendment. Now, Representative, I don't mind your asking questions. I don't mind you clarifying. I just... following along your own train of thought, I guess I would suggest that maybe the Amendment is tougher than the underlying Bill. I also, I guess I'm responding a little to the fact that we've had extensive discussion in the Judiciary Committee and the Amendment was approved in that Committee on an almost unanimous vote."

Cross: "I want to make sure we clear up one other thing. And I know you have someone there that can perhaps help you. There are... You suggested that there weren't any Class X drug cases that would apply in this scenario."

Currie: "Right. This deals only with intent or delivery of a controlled substance in the Safe School or the Safe Housing Act."

Cross: "But let's talk... And again, you've got a staff person there... What if the amount is... the 15 grams or more whether it's cocaine... I think we've passed some Bills with respect to ecstasy... it could be heroin whatever the case may be. My understanding, I've got guys around me that know the Criminal Code even better, those would be Class X charges. So, under your Bill that Class X case would leave adult court and then go back into juvenile court."

Currie: "I don't believe that's right. I mean, I'll double-check that before we get to Third Reading, but I don't believe that that's right. And, of course, the reason for this measure is that as it turns out, the vast majority of youngsters who are charged under the Section never had any contact with the justice system before and two-thirds of them get probation if they are found guilty of a felony."

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Cross: "I do think this Class X issue is somewhat relevant, Representative, and if we could kind of hold a second our... this is the first time we've been..."

Currie: "Well, maybe someone from the Judiciary Committee could help us out here. But my understanding..."

Cross: "Well, I think those Members of the Judiciary Committee are advising me of that, right now, that this would apply to Class X cases."

Currie: "Well, I mean, clearly in the first place, all the Amendment does all the Bill would do, is to give the court the authority to decide to keep a 15-or 16-year-old in juvenile court..."

Cross: "I understand that..."

Currie: "...and it sets out what those factors the court should take into account."

Cross: "So, you could... Again, I just want to make sure we're clear on this so everybody knows. You could deliver a kilo of cocaine at a school site and end up having your case heard in a juvenile courtroom?"

Currie: "We'll check that. I don't believe that's accurate. But, as I say, even if it is accurate, the discretion to keep the child in juvenile court or to send that child to adult court would rest with the judge."

Cross: "Are you checking... having someone check that now... maybe we can just hold off a second... because I... yeah, we don't see any exemption, Barbara, and our..."

Currie: "We are still checking it. I guess I would just point out that if you were talking those large quantities in the school or housing zone, I would be surprised if a judge would decide to keep that youngster in juvenile court."

Cross: "Well, those 'would be surprised' lines don't work so well when you... certainly not going to make a commitment on the

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judiciary in Cook County, are you on how they're going to handle a reverse automatic transfer, if you will? How am I going to suggest to a parent in my district when some 15-year-old or 16-year-old gang member sells a kilo of cocaine to the high school kids in Oswego and the 16-year-old is selling the cocaine a kilo of cocaine is going to be... case is going to be heard in juvenile court? Certainly, I... that's not a very good answer to the parents in my district."

Currie: "So, first, I guess I'd ask the question, has any child in your town ever been charged as an adult under these mandatory transfer laws involving drugs in safe school or safe housing zones? And second, if so, has any been charged with the possession of as much as a kilo of cocaine? Again, I would just point out that the experience has been that most of the youngsters who fall under this provision, most of them have not been in trouble with the law. Most are involved in small amounts of illegal substances. Most, if they're found guilty, are subject to probation. These are not hardened criminals. These are not hardened thugs."

Cross: "Representative, I sense that maybe you're trying to solve a problem that exists in Cook County but, unfortunately, you're affecting, as you know, the rest of the state. Have you had an opportunity to find out about the Class X issue? To the best of our knowledge, it would apply to Class X cases. I don't..."

Currie: "There are... you are right, there are different schedules, including Class X."

Cross: "All right. So, just so..."

Currie: "But I'm not aware that anyone has ever been charged with the Class X under the mandatory provisions."

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Cross: "I don't think you'd wanna be too emphatic on that statement that people haven't been charged with a Class X felony in a school zone."

Currie: "Under the automatic transfer, the 15-and 16-year-old. I'll do my best to check that information."

Cross: "Well, then why are we changing the law if they haven't been charged? Why are we trying to change the law if it hasn't been a problem?"

Currie: "It's not... It's the non-Class X that I'm concerned about, the kids with small amounts who find themselves with felony convictions on their records. Kids who ended up being significantly unaggressive or unharmful to the public, that the sentence... two-thirds of them are serving sentences of probation. The consequences of a felony conviction, however, as you know, mean that that youngster can't go back home if he or she is a DCFS ward, can't get a scholarship to go to college, may never be able to get a job. We tried an experiment in mandatory transfer sentences 10 years ago, 12 years ago. In my view and in the view of the experts and the statistics, the experiment has failed."

Cross: "Well, Representative, and I... I would encourage you if you're serious about this, and I don't know what kind of life this Bill is going to have in the Senate, but I would at least exempt out the Class X. And to the Bill. I could tell you, Barbara, there's some legitimate arguments to do what you're doing in the area of automatic transfers. I think there's some people that feel like they've been abused. And I don't know that I necessarily quarrel with intellectually or substantively where you're going and with some of your arguments. But I do think people on this side of the aisle, at least, and I would think some on your side

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of the aisle, as well, Barbara, need to know that this Amendment if you vote for it, if you end up voting for the Bill, you will be labeled. And whether you care about this or not is up to you individually as a candidate, it's up to you individually as a State Representative. And I don't know what kind of race you may have. You will be labeled as someone that has weakened, and make sure you understand this, weakened, the drug laws in the State of Illinois. Under the scenario that we've just been discussing and arguing on this Amendment, a 15-or 16-year-old could be selling a large amount of cocaine, heroin, ecstasy, whatever the case may be in a school zone to other school children and only be tried in juvenile court. Make sure you understand that this is the kind of piece of legislation, while the Sponsor may not intend this, that could end up in a mail piece and, I think, label you as very, very, very soft on drug crimes around school zones. So, thank you, Representative."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Monique Davis."

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

Speaker Hartke: "Sponsor will yield."

Davis, M.: "Representative Currie, does this legislation allow for the immediate incarceration of youth who are selling drugs? You know..."

Currie: "No."

Davis: "No, it doesn't?"

Currie: "No, what this deals with is the policy that says that 15-and 16-year-olds, if they're charged with even small amounts of possession with intent to deliver or delivery of controlled substances within a thousand feet of a school or a unit of public housing are automatically transferred to

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adult court. This sets up an alternate mechanism for those youngsters. It allows a judge to, considering various factors, keep them in the juvenile setting."

Davis, M.: "I think I... To the Bill, Mr. Speaker. I think I was... In fact, I was in committee when you presented this legislation to the Judicial Committee. And it seemed that you got a lot of support. Is that correct? Did you get a lot of support?"

Currie: "Yes, there is."

Davis, M.: "Yeah, there was a lot of support. You know, I just wanna say to the Bill. I don't believe that this Bill in any way, in any way would cause concern for someone being soft on crime, or releasing early anyone selling drugs. I believe what it would do is create the kind of justice that this country was well-known for. I think it would create a climate in which young people who found themselves selling drugs would go before a judge who would look at the crime that they have committed and not treat them as if they were in their 40s or 50 years of age and having done this for 40 or 50 years. As a newly, what shall I say, elected Legislator, in a primary, who supports this kind of legislation, I would just say that this kind of vote has certainly enhanced the votes that we earn. And I believe that all of us as parents, as Legislators, as community leaders, should be at the forefront of providing equality and justice in these laws that we have passed in this state. I think an 'aye' vote is the kind of vote that will see to us returning to this Body. I urge an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 4129?' All in favor signify by voting 'yes'; those opposed vote 'no'. The



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voting is... Wait a minute, this doesn't need a Roll Call vote. All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Dump that... Dump this Roll Call. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment carries. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 5858. Representative Poe. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5858, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Poe."

Poe: "Mr. Chairman, Ladies and Gentlemen of the House. This is a Bill that come to us from our local area, then we found out it applies for over the whole State of Illinois. And it deals with abandoned cars along the side of the road. It ended up being a fact that the State Police, the local towing company, and the person had to pay the storage was getting hung up on the bills and then the Secretary of State, no fault of theirs, it was just a tremendous amount of time before they could get those titles back so they could go ahead and take care of 'em. So, what we've did, working with the Professional Towing and Recovery Operators of Illinois, what this would do is they wouldn't be able to get their license renewed and after... unless they pay their bills. And so, this is a good Bill that's especially... And this affects the municipalities, rural areas all over the State of Illinois. Because you always see those abandoned vehicles. And this is a way we can get them cleaned up and, for example, in Bloomington, Illinois, there's 14 hundred vehicles sitting in a yard that they

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can't do nothing to until... but if we pass a law like this, it would help. So, I just ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5858?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3797. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3797, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Poe."

Poe: "Mr. Speaker, thank you. This is a relatively simple Bill. All this would do, currently, for example, a municipality if you come in and ask for a record of a parking ticket, they have to go to the original to make a duplicate. Sometimes right now, that gets to be a backlog. It could take up to three months to receive one of these. All this would do would let you reproduce it on the computer. It's already in the computer system. And it would speed up and save many cities around the State of Illinois some money. Thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3797?' All in favor signify by voting 'yes'; those opposed vote 'no'. 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,

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there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 3797. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 5908. Mr. Miller. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5908 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Miller, has been approved for consideration."

Speaker Hartke: "Representative Miller on Amendment #1."

Miller: "Thank you, Mr. Chair. Mr. Speaker. Floor Amendment #1 just basically clarifies a concern that we had in committee stating that this legislation does not affect any copays, deductible, or coinsurance. On this I would ask for adoption of this Amendment."

Speaker Hartke: "Is there any discussion on Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 5908?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 5657. Representative Watson. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5657, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Watson."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, basically, amends the Criminal Code against theft on on-line services. There is, currently, no legislation on theft of on-line services and as this business keeps growing and growing we're going... this is

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probably just the tip of the iceberg."

Speaker Hartke: "Is there any discussion? Seeing that... The Chair recognizes Representative Bost."

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

Speaker Hartke: "The Sponsor will yield."

Bost: "It... Now, this is your second Bill, correct?"

Watson: "This is my second. That's correct."

Bost: "But your first Bill was a very good Bill that everyone did not want to... and not saying this isn't a good Bill..."

Watson: "Correct."

Bost: "I think it's a very good Bill, too. But, your first Bill we couldn't actually debate very heavily because it was... it deals with some very serious things with veterans. So, can you explain your Bill one more time?"

Watson: "Okay. Basically, this is to protect Internet providers and to stop theft or illegal access to the Internet."

Bost: "So, it's stealing across the Internet?"

Watson: "No, it's actually stealing on-line services. There is... currently, there is no... it is not addressed in the Criminal Code."

Bost: "So, if... I'm still concerned about the fact that this is your second Bill, but it's more like your first Bill. I want everybody to understand that, right? Is that the way you see it, too?"

Watson: "I'm sorry, I didn't understand..."

Bost: "Is that the way you see it, as well? This is actually your second Bill, but your first Bill."

Watson: "No, I would disagree with that."

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

Watson: "I would disagree with that."

Bost: "Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentleman from Cook, Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Watson, could you just give me an example of what the theft of Online services would be?"

Watson: "Somebody could tap into... It's primarily for smaller providers, downstate, you know, America Online they have enough security that you're not going to be able to get on-line access to the Internet without paying a fee. But, some of the smaller providers in the small rural counties, they don't have that capability."

McCarthy: "I'm having a hard time hearing you, but is this like if someone was getting like AOL without paying for it or someone..."

Watson: "That's correct."

McCarthy: "And that... So that's not a crime today?"

Watson: "It's not addressed at all in the Criminal Code."

McCarthy: "Okay. So, would this..."

Watson: "This simply makes it a crime, should you do that."

McCarthy: "And who would bring forth like charges of this nature? I mean, would it be like our local police, or would it be the... or would it be up to AOL to do th... I mean, who would do this?"

Watson: "I guess... The Internet provider who was being... Similar to illegal access to cable."

McCarthy: "Okay. And then the burden of proof would be on that Internet provider to prove that the person was obtaining the services without paying for them, or what?"

Watson: "Well, the burd... With any criminal offense, the burden of proof is on the prosecution."

McCarthy: "Okay. Then what would the penalty be if a person... say a person was caught taking three months of AT&T Net, or something? What would be... What's the penalty in this..."

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Watson: "A Class A misdemeanor, up to one year."

McCarthy: "Does it stipulate any time frame or, I mean, could be just one month? Does this have to be knowingly that they would be... I mean,... And does this apply cable, too, like cable services or is it just telephone on-line type things?"

Watson: "This is strictly on-line, on-line, on-line services."

McCarthy: "It has to be a service that comes over the telephone lines?"

Watson: "Right."

McCarthy: "And does it say that the person has to knowingly obtain this service without paying for it?"

Watson: "I guess my question to you would be how could you obtain it unknowingly?"

McCarthy: "Well..."

Watson: "I mean, how could you not know you were not paying for an Internet provider?"

McCarthy: "I don't know. I just... My question was is it in the legislation that's it's 'knowingly', as opposed to... I mean, there's times like in my cable service, where all of a sudden I get movie channels that I don't know why I get 'em and I get 'em for a couple of weeks then I don't get them any more. So, I don't know if that's true with any on-line service? I mean, do on-line services offer like free introductory..."

Watson: "Okay. If the question is this is... If this is criminal intent, the answer is 'yes'. This is an intent to commit fraud."

McCarthy: "Okay. And the last thing. Is there anything in the... and I'm sorry I just have the analysis and not the legislation."

Watson: "That's okay."

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McCarthy: "But is there anything about the length of time that someone has to be, I mean, if a person accepts it for one day would he get the same penalty as someone accepted for half a year or something? I mean, is there any point within the... becomes effective?"

Watson: "Yeah. I don't think there's a differentiation between one day or one year."

McCarthy: "It could actually... Could it be interpreted then to be as low as if a person got it for one hour, they could be guilty of a misdemeanor?"

Watson: "Right. Differentiation would be in the value of the service. So, if you got it for one hour then you would be under the \$300. If you got it for one year, obviously, you're going to go to the Class II felony."

McCarthy: "Under the... under the what did you say, \$300 or 300 hours?"

Watson: "\$300. So, if you did it for one hour then you would be under the Class II... Class A felony."

McCarthy: "Okay. So, you're saying that this service has to be valued at least \$300 before the offense becomes... Is that what you just said?"

Watson: "No, if the value... It's the same as any other theft. Whether the value's up to \$300 that puts it as a Class A felony. Over that amount or misdemeanor..."

McCarthy: "Class A misdemeanor?"

Watson: "Class A misdemeanor, then after that it goes to the next level."

McCarthy: "Okay, but there is no minimum? There is no mini... I mean, he doesn't have to make the 300? See, earlier you said to me as long as they've obtained service... when I asked you about the hours or days or months, you said \$300. But \$300 would make it go up to a higher level."

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Watson: "That's right."

McCarthy: "Okay. Well, thank you for your answers."

Watson: "You're welcome."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the... Mr. Watson to close.'"

Watson: "I just... This Bill is not... This crime is not addressed in the Code and I think it should be in there."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 5657?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5849. Representative Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5849 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, please read the Bill again."

Clerk Rossi: "House Bill 5849, a Bill for an Act concerning the Capital Development Board. Third Reading of this House Bill."

Speaker Hartke: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5849 simply provides a mandate to the Capital Development Board with respect to new construction in the State of Illinois, such as new university buildings, junior college facilities, correctional facilities, to



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adopt an energy code that would promote energy efficiency around the State of Illinois. This is... has nothing to do with any retroactive initiatives. The Governor's Office has a 'green' coordinating council that they're currently working on trying to adopt standards. We think it's time in the State of Illinois that we set into statute an appropriate energy efficiency code that our new state buildings can adopt to. The Clean Energy Community Foundation that I am honored to serve on has been working with a variety of entities around the State of Illinois helping municipalities with 'green' energy codes. It's all part of the new energy component as we move into the 21st century. In addition to looking for new sources of energy and reinvigorating our coal industry in Southern Illinois, as well as new sources of energy like solar power and wind power. The other component is energy efficiency. And what this simply does is that it requires that the Capital Development Board in future buildings for the State of Illinois adopt efficient energy codes to save energy and save taxpayers' dollars."

Speaker Hartke: "Is there any discussion? Mr. Black."

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

Speaker Hartke: "He indicates he will yield."

Black: "Representative, it's my understanding that the Capital Development Board is currently in discussion within a group set up by the Governor to adopt these energy codes. Is that not correct?"

Novak: "Mr. Black, I think you're right to a large degree. They've been... The Governor, I think, issued an Executive Order and they have a council of advisors that are discussing various methods with respect to state buildings. I just want to keep this issue alive and keep it moving,

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take it across to the Senate and, hopefully, by the time this council has concluded its report, either by the end of the spring or maybe by the fall, that we can encompass that report into this Bill. I might want to add that the Environmental Protection Agency is very, very interested in this issue with respect to energy efficiency building codes."

Black: "Which Environmental Protection Agency, the federal or the state?"

Novak: "Ours. The Illinois Environmental Protection Agency."

Black: "All right. Nothing in your legislation could be construed as establishing what that energy code will be, correct?"

Novak: "Correct."

Black: "My only problem with establishing a code in statute is that technology, as you're well aware, technology changes so quickly today that what might be adopted by the Capital Development Board in July or August could very well be obsolete in a year. And of course, as you well know having worked on this issue for a number of years, much of what we took for granted has come to prove to be counterproductive, i.e., asbestos which at one time was certainly going to help save energy by insulating pipes and duct work and what have you, proved to be something less than what many had hoped. And so, I just want to make sure that your intent is that this code will be established by Rule and can there be changed by Rule. You're not setting forth anything in statute that says here is the code we will adhere to because that could be we'd have to update that at least once a year."

Novak: "Well, I think you're right, Mr. Black. We have to have the flexibility, as you indicated technology does change

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quickly in this area. Different types of insulation, different types of energy efficiency windows, as an example, and the technology is evolving as the weeks and months go by. So, there will be, you know, some latitude and some discretion with respect to that. But I think we need to send a strong message to our constituents and the citizens of Illinois how concerned we are about state buildings, since the taxpayers pay the heat and gas bill and light bill on those state buildings that we conserve ways as much as we can for energy efficiency buildings in the State of Illinois."

Black: "All right. I appreciate your indulgence. Thank you."

Novak: "Thank you, Mr. Black."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5849?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes'; 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5849. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5015. Representative Winkel. Mr. Winkel. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5015, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 5015, a Bill for an Act concerning

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higher education. Third Reading of this House Bill."

Speaker Hartke: "Mr. Winkel. Mr. Winkel, would you like to explain that Bill on Third Reading? Out of the record. House Bill 4287. Representative O'Brien. Mary Kay O'Brien. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 4287 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk. Out of the record. Representative O'Brien, would you like that Bill left on Second Reading? Mr. Clerk, what is the status of that Bill, 4287?"

Clerk Rossi: "House Bill 4287 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading. House Bill 4090. Mr. Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4090, a Bill for an Act in relation to property. Third Reading of this House Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 4090 is a quick take provision for Roger Street project in Waterloo. We have federal money that has been approved for that. And we have... are in the midst of negotiations, they are with the property owners but the time frame under the federal guidelines mandate that the project will be eliminated if the project's not commenced within a certain time frame. So, this will allow them, if need be, to do this. This street goes from the school in Waterloo out to an outlet that will hopefully, free up some of the traffic problems they're having around the school and in the City of Waterloo. And I'd be happy to answer any questions. Thank you."

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Speaker Hartke: "Is there any discussions? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4090?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 Members voting 'yes', 43 Members voting 'no', and 7 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Yarbrough. For what reason do you seek recognition?"

Yarbrough: "Mr. Speaker, concerning House Bill 5789. I'd like to recommit Amendment #1 so that the Bill can be heard in committee."

Speaker Hartke: "The Motion is to recommit to the Rules Committee. You've heard the Lady's Motion. All those... Amendment to Rules Committee. All those individuals in favor of the Motion say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion carries. House Bill 4912. Representative Wirsing. 4912. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 4912 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4912, a Bill for an Act concerning higher education student assistance. Third Reading of this House Bill."

Speaker Hartke: "Representative Wirsing, on the Bill."

Wirsing: "Thank you, Mr. Speaker. This piece of legislation is a

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result of the Governor's joint education committee meetings that's been held over the past year. And the purpose is to change the DeBolt Scholarship, the minority teachers' scholarship and the special education teachers' tuition waiver to update the programs and make the... consistent with each other. And this is an ISAC initiative. And I would ask for support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4912?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4976. Representative Smith. Michael Smith. Out of the record. House Bill 5626. Representative Soto. Mr. Clerk, read the Bill. Mr. Black. Excuse me, Representative Soto. Mr. Black, for what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Black: "I would like to welcome back to the chamber a former Member of this chamber, currently a Member of the United States Congress, the Honorable Tim Johnson."

Speaker Hartke: "Welcome to the chamber, Congressman Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5626, a Bill for an Act creating the Illinois Living Wage Act. Third Reading of this House Bill."

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Speaker Hartke: "Representative Soto. Out of the record. House Bill 3632, Representative Scully. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3632 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill. Mr. Scully, would you like to call that Bill on Third? Out of the record. Representative Zickus. House Bill 4328. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4328, A Bill for an Act concerning the Auditor General. Third Reading of this House Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. This Bill requires the Auditor General to audit school districts that meet certain requirements regarding enrollment. The geography, the number of learning centers, as well as the fact that it had a review of its spending practices for construction or administrative staff or both done pursuant to legislative Resolution within the calendar year prior to the effective date of this Act. As you might recall, last year Representative McCarthy and I had a House Resolution asking the Capital Development Board and the Illinois State Board of Education to look into construction project in High School District 230. The result was that although some of the practices were not illegal regarding the bidding practice and some of the other things, that it did indeed increase the costs. This project started out with an estimated cost of 88 million is up to a hundred and forty-four, almost a hundred and forty-five million dollars. And I urge your approval."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House pass House Bill 4328?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 were 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4328. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4023, Representative Slone. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 4023, a Bill for an Act concerning local planning. Third Reading of this House Bill."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is almost identical to a Bill that overwhelmingly passed the House last year under the sponsorship of Representative... then Representative Doug Scott. We have amended it most recently to address a few concerns... remaining concerns of the Home Builders' Association of Illinois. And with these Amendments, they are in favor of the legislation. I would appreciate your support."

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

Parke: "Thank you, Mr. Speaker. Let me reiterate that one last time. You're saying that the Home Builders now have removed their opposition?"

Slone: "That's correct, Mr. Parke."

Parke: "So, your Amendment makes the Bill and... when you proposed the Amendment did anybody oppose it after it's been amended?"



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Slone: "Not to my knowledge."

Parke: "Okay. And the Illinois Realtors' Association is for it now?"

Slone: "I'm not sure what their position is, but they are not in opposition."

Parke: "Okay. Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4023?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 2 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, for an announcement."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room."

Speaker Hartke: "House Bill 4172, Representative Turner. Arthur Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4172 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Turner, has been approved for consideration."

Speaker Hartke: "Representative Turner on Amendment #1."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #1 simply clarifies the date for the extension of the Earned Income Tax Credit. And I move for the adoption of Amendment #1."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill

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4172?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4377, Representative Younge. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 4377, a Bill for an Act concerning guaranteed job opportunity projects. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 4377 is an Amendment to the Illinois Guaranteed Job Opportunity Act that was passed in 1993. At the initial passage of the Bill, the authorization was given to the Department of Labor to conduct job projects with federal funds. The purposes of the Amendment here is to change the authorization to the Department of Human Services and to approve or allow state funds to be used for job projects for people who are eligible for temporary assistance, or TANIF, or public aid. It has to be an individual who is 16 years or older and they have to be looking for a job. And the Department of Public Aid wanted an Amendment that would permit the... to make..."

Speaker Hartke: "The Chair recognizes Representative Parke."

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

Speaker Hartke: "Sponsor will yield."

Parke: "Thank you. Representative, do you know what this Bill will cost the taxpayers?"

Younge: "It will be dependent upon how many projects the Department of Human Services does. One project would probably run in the nature of 2 or \$3 hundred...2 or 3..."

Parke: "Two or \$3 hundred or a hundred thousand?"

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Younge: "Two or \$3 thousand."

Parke: "And what's the effective date of this?"

Younge: "The effective date would be, I think, January."

Parke: "I'm just trying to find out. This'll be for the next fiscal year won't it? It's not an immediate effective date. It's July isn't it? July 1 if it becomes law?"

Younge: "July 1, 2002."

Parke: "Okay. So, and we have no funding set aside, right? There's no funding source for this?"

Younge: "This is a substantive Bill, not an appropriation Bill."

Parke: "It's not been appropriated for it?"

Younge: "No."

Parke: "And you took it... You took it for the administrative responsibilities from the Guaranteed Job Opportunities Act to DHS... Oh no, you took it from the Department of Labor."

Younge: "That's correct."

Parke: "Why did you do that?"

Younge: "Because the Department of Labor doesn't have staff to do projects. The Department of Human Service does projects and feels comfortable and supports this Bill. But, the Department of Labor doesn't have any staff to do any projects with."

Parke: "And DHS said it's okay? They're in favor of this?"

Younge: "Yes."

Parke: "Okay. Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4377?' All those in favor signify by voting 'yes'; those opposed vote 'no'. 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 Members voting 'yes', 0 voting

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'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4946, Representative Turner. Out of the record, temporarily. House Bill 5839, Representative Dart. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5839, a Bill for an Act concerning financial institutions. Third Reading of this House Bill."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker. What this Bill will attempt to do is try to put the thrifts and savings and loan on the same footing as the other banking institutions, right now. It is a Bill that's been... There's no opposition to it and it's just an attempt to try to correct something that we overlooked last year. And I'd appreciate your support. It has two elements that deal with increasing the single loan limit. And the other element deals with putting the regulatory fund on the same level as the other banks, as well."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the Chair recognizes Representative Stephens."

Stephens: "A point of order."

Speaker Hartke: "State your point."

Stephens: "What order of business are we on?"

Speaker Hartke: "We just finished with the 'Y's. We're now going back doing those individuals... next on the list is Coulson, Hastert,..."

Stephens: "What was the previous order? Wives?"

Speaker Hartke: "Mr. Stephens, if you'd been awake most of the day, we have started with the 'A's, Acevedo and we just ended with Younge. We've been down through the list. Now we're going back and picking up individuals..."

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Stephens: "Is 'S' in your alphabet?"

Speaker Hartke: "Let me check."

Stephens: "Well, please do. Give us the downstate version."

Speaker Hartke: "Do you have a Bill you want called? Would you have a Bill you'd like called? Please approach the podium and we'll check it. Okay? Is that all you need? Before I was interrupted, the question is, 'Shall the House pass House Bill 5839?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 Members voting 'yes', 0 voting 'no', and 3 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 5829, a Bill for an Act concerning payroll deductions. Third Reading of this House Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. House Bill 5829 removes the requirement that employee's social security numbers be submitted on requests for an organization attempting to qualify for the Voluntary Payroll Deduction Act. Instead of social security number we are replacing that with only the last five digits in order to protect the social security number from being used improperly. And I can answer any questions."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 5829?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, please take the

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record. On this question, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5829. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4228, Mr. Hassert. 4228. 422. Oh, excuse me, Representative Hoeft. Take that Bill out of the record temporarily. Mr. Hoeft on House Bill 4228. Please read the Bill."

Clerk Rossi: "House Bill 4228 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Would you like to call that Bill on third right away, Representative Hoeft? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4228, a Bill for an Act concerning corporations. Third Reading of this House Bill."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. This is a effort to try and clarify Illinois Law. Most of the businesses in the State of Illinois believe they can do this, but they're trying to stop any legal challenges to the shareholder meetings. Because of technology today, corporations can hold shareholder meetings in a variety of sites. They can have telecommunications back and forth between sites and this is a way that they can save people time. They can save a lot of money in terms of transportation. This legislation would allow this to occur with greater ease for the corporations. I know of no opposition. Bipartisan Bill."

Speaker Hartke: "The Chair recognizes Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. I... let me... let me speak to the Bill."

Speaker Hartke: "To the Bill."

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Howard: "Okay, thank you. I think this is really a great Bill. I think that whenever there's an opportunity for technology to be expanded so that all segments can take advantage of the the ease with which they can do their business, I think it's great. And I commend you for agreeing to be the Sponsor of this. Hopefully, all of our colleagues will feel as I do, that it should be supported and you will get a hundred and whatever votes today."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Johnson."

Johnson: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Johnson: "Doug, what was the genesis of this? Where did a... where'd this idea come up? Was this your's?"

Hoelt: "The Illinois Chamber of Commerce is the one that approached me on this 46 minutes ago to take this because one of the other individuals had..."

Johnson: "Had maxed out or something?"

Hoelt: "Exactly. So, basically, what they're trying to do is to prevent... they're trying to create an efficiency with these meetings. And they are trying to prevent any litigation that might occur by someone saying, well, wait a minute everyone needs to be on one site."

Johnson: "Okay, well, my only concern with that is is that, ya know, when we set up corporations and we do our bylaws, ya know, a common decision that has to be made when we deal with corporations and our bylaw structures is we either positively authorize telecommunication attendance at meetings, et cetera or we don't. And I guess my only concern is... I'll support it and move it to the Senate and maybe they'll pick it up over there and maybe the corporate community might have some things to say about this in terms

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of their own abilities. Ya know, we can do this at any time. But it requires a vote of the board of directors or a vote of the stockholders to change the bylaws. And in essence, what we're doing here is saying under State Law we're now going to mandate a certain thing and I don't know if that's retroactive, proactive, current, or whatever. So, that's my only concern here."

Hoelt: "In essence, Representative Johnson, the corporations are saying they don't want to invest in the technology necessary for this and invest in the time and effort to try and change this unless there's a greater security that they are doing appropriate, ya know, in terms of the law that they have greater capacity to make sure that they are within the framework of the law here."

Johnson: "Well, why don't we... why don't we amend this Bill so that we as Legislators can do our work by teleconferencing? Huh, if it's so good for business, why don't we do it here?"

Hoelt: "We'd miss all this great fun."

Johnson: "Well, you've got the Bill, why don't you amend it?"

Hoelt: "The Johnson Amendment will be considered a hostile Amendment, Sir."

Johnson: "All right, thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4228?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted how wish? Have all voted who wish? Mr Clerk, take the record. On this question, these are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby



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declared passed. Representative Turner, would you like to do House Bill 4946? Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 4946, a Bill for an Act relating to higher education student assistance. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the Assembly. Basically, this Bill amends the Higher Education Student Assistance Grant and it does two things. One, it renames the Illinois Incentive for Access grant programs to the Silas Purnell Grant Program. Silas Purnell was a or is a young man who's been involved with promoting, getting minority students in institutions of higher ed throughout this country. Has been doing it for some 30 years or more and I can't tell you the number of kids that he has created the opportunity for them to continue their education. So it would do that and also, it would provide the maximum amount paid per applicant per year to a thousand dollars for those kids with the expected family contribution of zero. This is in dealing with the kids primarily who are in DCFS and those programs. So, it provides additional funds for them and it requires the Commissioner to give priority to these applicants and their expected family contributions when reviewing their applications. It would go into effect July 1 of 2003. And I move for the adoption of House Bill 4946."

Speaker Hartke: "Is there any discussion on House Bill 4946? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4946?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, a new

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Clerk, take the record. On that question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a CONstitutional Majority, is hereby declared passed. House Bill 6034, Representative Stephens. Mr. Clerk, please read that Bill."

Clerk Bolin: "House Bill 6034, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 6034, a Bill for an Act concerning audits and reports. Third Reading of this House Bill."

Speaker Hartke: "Mr. Stephens."

Stephens: "Are we to the 'S's now?"

Speaker Hartke: "Excuse me?"

Stephens: "Are we to the 'S's now?"

Speaker Hartke: "Your name is Steve..."

Stephens: "...ens. I just wanted to make sure. Are we going forwards or backwards in the alphabet?"

Speaker Hartke: "Sideways."

Stephens: "Right. I'm used to that. This Bill is a collaborate effort... collaborative effort it says in the press release, on behalf of the township officials, Park District Association, Library Association, Fire District Association, and the Drainage District Association. Primarily, has three components, the index audit requirements for townships and special purpose governments are changed from 2000... 200,000, established in 1967 to 850,000 with passage of the Bill. Secondly, exempts drainage districts that file extensive financial data with other public entities from filing of the annual financial reports, audits, and other verification of appropriation

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forms with the Comptroller's Office. And thirdly, it is a... there's a technical change to exercise the Comptroller's statutory authority to prescribe the reporting mechanism for very small, special purpose governments by changing the reporting standard to coincide with the Treasurer's report that governments are already required to publish. I'd be glad to try to answer any questions. I move for its passage."

Speaker Hartke: "Is there any discussion on House Bill 6034? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 6034?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted how wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5718, Representative Krause. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5718, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5718, a Bill for an Act concerning domestic violence. Third Reading of this House Bill."

Speaker Hartke: "Representative Krause."

Krause: "Thank you very much, Mr. Speaker. Just basically, what this Bill does would be to create an Office of Domestic Violence Prevention within the Department of State Police. And although we have addressed this issue on the state this would help coordinate Cross everything within one department. The office would coordinate system services in

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response to domestic violence. These services would include law enforcement, courts, human services, and health agencies. The department would adopt rules to implement this Section."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5718?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Have all voted who wish? Mr. Clerk... Mr. McGuire, would you like to vote on this issue? Representative Klingler. Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And House Bill 3718(sic-5718), having received a Constitutional Majority, is hereby declared passed. House Bill 5120, Mr. Marquardt. Mr. Clerk, read the Bill. 5120. 5720. Mr. Clerk, that's Osmond. Hold that. Is Mr. Osmond in the chamber? Mr. Osmond in the chamber? House Bill 3994, Representative... 3993, Representative Hassert. Out of the record. Is Representative Brunsvold in the chamber? Representative Brunsvold in the Chair."

Speaker Brunsvold: "Mr. Clerk, House Bill 4337, what's the status of that Bill?"

Clerk Bolin: "House Bill 4337, a Bill for an Act concerning property taxes. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 4337 is a piece of legislation dealing with the supervisor of assessment qualification. Currently, under law if you want to run for supervisor of assessment... supervisor of assessment you have to pass certain tests

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with the... with the Department of Revenue. It sets up those criteria, but it doesn't make a whole lot of sense that once you've been a supervisor of assessment for at least three terms that you should be retraining and retaking the same tests. You can only measure a building so many ways. And so what this does this provides an exemption for those individuals who are supervisor of assessment for at least three terms or 12 years that that they would have to not requalify for the testing for the qualifications to run for office."

Speaker Brunsvold: "The Gentleman's asked for the passage of House Bill... The Gentleman's asked for the passage of House Bill 30... or 4337, is there any discussion? Seeing none, the question is, 'Shall House Bill 4337 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 112 voting 'yes', 2 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Fowler, 5779. Mr. Clerk, what's the status of that Bill?"

Clerk Bolin: "House Bill 5779, a Bill for an Act in relation to taxation. Third Reading... Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Novak."

Novak: "Thank you, Mr. Speaker. Is that Chair you're sitting on warm or cold?"

Speaker Brunsvold: "It's hot, Mr. Novak."

Novak: "It's nice to see you in the Speaker's Chair."

Speaker Brunsvold: "Thank you, Mr. Novak. Mr. Clerk, read House Bill 5779 for a third time."

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Clerk Bolin: "House Bill 5779, a Bill for an Act in relation to taxation. Third Reading of this House Bill."

Speaker Brunsvold: "Mr. Fowler."

Fowler: "Thank you, Mr. Chairman. House Bill 5779 is a Bill that I was asked to carry by the Township Officials of Illinois dealing with multi-township taxing districts. And currently, under the current law the multi-townships will hold a public hearing and then a separate meeting later to adopt the annual budget. And what this Bill does is to permit them to do all of this at one time at their a... the annual meeting. Just saves them from having to have an extra meeting and as I stated, this is supported by the Township Officials of Illinois. There are no known opponents that I am aware of at this time."

Speaker Brunsvold: "The Gentleman has asked for a passage. Is there any discussion? Seeing none, the question is, 'Shall House Bill 5779 pass?' All in favor vote 'aye'; all opposed vote '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. And on that question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5720, Mr. Kenner. Representative Kenner. Excuse me, Mr. Osmond, 5720 please."

Clerk Bolin: "House Bill 5720, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Clerk, read the Bill for a third time."

Clerk Bolin: "House Bill 5720, a Bill for an Act concerning nuclear safety. Third Reading of this House Bill."

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Speaker Brunsvold: "Mr. Osmond."

Osmond: "Thank you, Mr. Speaker. This is initiative by the Department of Nuclear Safety and what it does is it changes the fee structure for the transportation of nuclear waste throughout the state. It's pretty simple. It just changes it to a truck basis as opposed to a cask. And I ask for the Members' support."

Speaker Brunsvold: "Gentleman's asked for the passage, is there any discussion? Seeing none, the question is, 'Shall House Bill 5720 pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Please record yourself. Has everyone recorded themselves? Mr. Colvin, have you voted? Mr. Clerk, take the record. And on that question, there are 82 voting 'yes', 33 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1 appears appears House Bill 4318. Mr. Clerk."

Clerk Bolin: "House Bill 4318, a Bill for an Act in relation to public employee benefits. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. House Bill 4506."

Clerk Bolin: "House Bill 4506, a Bill for an Act in relation to public employee benefits. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Hold that Bill on Second Reading Mr. Clerk. House Bill 4527."

Clerk Bolin: "House Bill 4527, a Bill for an Act in relation to public employee benefits. Second Reading of this House

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Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. On Supplemental Calendar #1 appears House Resolution #754. 754. Mr. Berns. Mr. Berns, House Bill... House Resolution 754."

Berns: "Thank you, Mr. Speaker. House Resolution 754 would recognize the accomplishments of the 4-H program in the United States. It's now recognizing its 100th birthday and this Resolution would do that. And I encourage your support."

Speaker Brunsvold: "The question is, 'Shall House Resolution 754 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. House Resolution 754 is adopted. Thank you. House Resolution 75... Mr. Clerk, Committee announcements."

Clerk Bolin: "Attention Members, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Brunsvold: "House Resolution 752, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. House Resolution 752 is an initiative of the Illinois Hospital Association and it recognizes the tremendous work that the hospital volunteers and the auxiliary people contribute to service in the hospitals. And it sets aside April 22, 2002, as the Illinois Hospital Volunteer Day in recognition... in recognition of their outstanding contribution to the welfare of the people of Illinois."

Speaker Brunsvold: "Any discussion on that Resolution? Seeing none, the question is, 'Shall House Resolution 752 be adopted?' All in favor say 'aye'; opposed 'nay'. The



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'ayes' have it. And the Resolution has been adopted. Mr. Clerk, please read the Committee Schedule."

Clerk Bolin: "The following Committees will meet immediately after Session today. The Conservation & Land Use Committee will meet in Room C-1, the Constitutional Officers Committee will meet in Room D-1, the Labor Committee will meet in Room 118, and the Revenue Committee will meet in Room 115. 30 minutes after Session the following Committees will meet. The Appropriation Higher Education Committee will meet in Room 114, and the Insurance Committee will meet in Room 122-B."

Speaker Brunsvold: "Rules Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 2, 2002, reported the same back with the following recommendation/s: 'direct floor consideration' for House Amendment #2 to House Bill 4506."

Speaker Brunsvold: "The Chair is prepared to adjourn, Ladies and Gentlemen. The... Representative Currie now moves that the House stand adjourned until Wednesday 10 a.m. That's 10 a.m., April the 3rd. Representative Currie has made the Motion. All in favor 'aye'; opposed 'nay'. The 'ayes' have it. And the House does stand adjourned, allowing perfunctory time for the Clerk, until Wednesday April 3rd, the hour of 10 a.m."

Clerk Rossi: "House Perfunctory Session will come to order. House Bills-Second Reading to be held on the Order of House Bills-Second Reading. House Bill 4727, a Bill for an Act concerning education. Second Reading of this House Bill. Introduction and First Reading of Senate Bills. Senate Bill 1627, offered by Representative Brunsvold, a Bill for

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an Act concerning zoological parks in the forest preserve districts. First Reading of this Senate Bill. House Perfunctory Session will now stand adjourned."