

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

116th Legislative Day

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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 for the invocation and the Pledge of Allegiance."

Pastor Crawford: "May we pray. Most gracious and kind Father, the Giver and Sustainer of life, we come so graciously before You with our praise and our heart for being so loving toward us and yet for loving us with an everlasting love, for being merciful, and for being gracious, and for abounding in goodness and in truth. So we ask that Your goodness would overshadow us so that evil would not overcome good, but rather that Your goodness would overcome evil. This we kindly pray in Your Son's name. Amen."

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

Hoffman - 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 Shirley Jones is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Simpson and Kosel are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Yes, Mr. Speaker, a correction on that. Representative Coulson is to be excused today."

Speaker Madigan: "Do you have difficulty telling the difference

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between the two? Mr. Clerk, take the record. On this question, there are 115 people responding to the Attendance Roll Call. There is a quorum present. For what purpose does Mr. Ryan seek recognition?"

Ryan: "A point of personal privilege."

Speaker Madigan: "State your point."

Ryan: "Ladies and Gentlemen of the House, Mr. Speaker, we have a high school down here joining in our attendance today. Illiana Christian has joined us and their teacher Les Davis. Will you please join in give 'em a good heartfelt welcome. Thank you."

Speaker Madigan: "Mr. John Jones."

Jones, J.: "Thank you, Mr. Speaker, a point of personal privilege."

Speaker Madigan: "State your point. We have a group here today from Wabash Community College and their instructor, Matt Fowler, up in the gallery. I'd like for the Body to give 'em a nice warm welcome to Springfield."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Announcement for tonight. The Sportsmen's Caucus starts at 6 o'clock with a reception, 7 o'clock is the auction. We'd like all the caucus Members to stop by. We're going to do introductions about 7 o'clock, a little bit before 7. If any Member has anything they'd like us to take out there or brought any auction item, my crack staff will pick it up from your car and we'll deliver it out there. If you want that to happen just get ahold of me and we'll get it arranged. Got some nice prizes tonight. Got some NASCAR tickets for this summer. Got two hot pit passes for the race, which are priceless by the way, because you can't get these things and... But you'll be able to get 'em tonight. So, come on

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out and enjoy the caucus. We'll have some fun and have a little food. If you have any questions, please get a hold of me. Thank you."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair. I see in the... on the Calendar today, at least the one dated April 9th, which would be today's Calendar, that at 11 o'clock this morning in Room 114 of the Capitol a budget task force met. Can you... Could someone provide some insight as to how that task force was formed? Who's on it? How often it intends to meet? What its task is?"

Speaker Madigan: "The purpose of that task force is to make the Democratic Members of the House feel good."

Cross: "Well, that's... If that's all it takes, Mr. Speaker, more power to you. Well, do you intend to make the Republicans feel good? Are we going to be included? Is it a bipartisan task force?"

Speaker Madigan: "No, this is a Democratic group and our purpose is to meet from time to time and to talk about the budget making."

Cross: "So, there's no intention to include... make this a standing committee or include Republicans, or...?"

Speaker Madigan: "That's correct."

Cross: "It's just, basically, your caucus, meeting?"

Speaker Madigan: "It's less than our full caucus. So, we make the announcement, we set the time, and it's an open invitation for any Democrat that wishes to come there and talk about the budget. Not all choose to come to the meeting, which makes me very sad."

Cross: "So, you're the one Democrat that doesn't feel good about it, is what you're saying? Okay."

Speaker Madigan: "I feel wonderful being able to spend the time."

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Cross: "Well, I'm glad to hear that. Well, thank you, Mr. Speaker."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Yes, I would just like to ask Representative Cross. I understand that you all had a caucus today. Is that correct? A Republican Caucus before we... and you meet every Tuesday, I believe."

Cross: "You know, Jay, what's so fascinating about this, your Caucuses get in the House Calendar. You know you open it up, you come down to Springfield, it says budget task force 11 o'clock. It says nothing about a Democrat Caucus, or at least for those who want to show up."

Hoffman: "I see. Well, I was just wondering when you were going to extend the invitation to us to come to your caucus? Because we like going to meetings, so we'd enjoy coming to your caucus, anytime."

Cross: "Are you saying that we're invited to your budget task force, Jay?"

Hoffman: "No, I'm asking when I'm going to get invited to yours?"

Cross: "What?"

Hoffman: "To your caucus?"

Cross: "You're sure that we're invited to yours, though? Is that what you're saying?"

Hoffman: "I don't... Unfortunately, if I had the power I would think about it. But I don't have that power."

Cross: "Were you there this morning, Jay?"

Hoffman: "Of course, because my Speaker asked me to be. And I hate to disappoint my Speaker."

Speaker Madigan: "Aha! Now, we'll get the best oration. Mr. Black."

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

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Speaker Madigan: "State your inquiry."

Black: "I didn't know anything about a Republican Caucus today."

Speaker Madigan: "You're better off."

Black: "Well, it isn't on the Calendar and nobody told me about it. Was there a Republican Caucus?"

Speaker Madigan: "I'd be the last to know."

Black: "Know? I think I'm the last to know, Mr. Speaker. Will Mr. Cross yield? Well, perhaps, I could go back and talk to Mr. Cross. We'll get this straightened out."

Speaker Madigan: "You know, Mr. Black, we all just wait to hear from you, your comments, your insights."

Black: "I realize that you always wait with... with bated breath."

Speaker Madigan: "Many of us wake up in the morning thinking, gee, I hope to hear Bill Black today."

Black: "That's what keeps you coming back, all lo these many years, isn't it?"

Speaker Madigan: "That's right. Right. Right. Mr. Clerk?"

Clerk Rossi: "With regard to the Agreed List #2, Supplemental #2, the Clerk's Office has certified that all the Bills except for those listed below have received a sufficient number of votes and are therefore the Bills contained on Agreed List #2, Supplemental #2, with the exception of those shown below, have received the required Constitutional Majority, and are hereby declared passed. The following Bills contained on Agreed List #2, supplemental #2, failed to receive the required Constitutional Majority, House Bill 4571, 4662, 4716, 4806, 4818, 4821, 5018, (sic-5168), 5441, 5467, 5470, and 5924."

Speaker Madigan: "The Clerk shall read a Resolution and Representative Erwin will speak to the Resolution. Mr. Clerk on a Resolution."

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Clerk Rossi: "House Resolution 762, offered by Representative Erwin."

HOUSE RESOLUTION 762

WHEREAS, The University of Illinois-Urbana Champaign's (UIUC) dedication to adapted sports programs for varsity students with physical disabilities is unparalleled; and

WHEREAS, UIUC sponsored one of the first collegiate wheelchair basketball teams in the country and was one of the charter members of the National Wheelchair Basketball Association in 1949; and

WHEREAS, The proposed collaboration of the State of Illinois, UIUC, and the Division of Intercollegiate Athletics provides the future sport sponsorship support and recognition for wheelchair athletics at UIUC; and

WHEREAS, The University has become the hub of technology, research and advancement in wheelchair sports and has been at the forefront of improvements and modifications of wheelchairs for enhanced player participation; and

WHEREAS, In recent years, the University's continued dedication to adapted varsity sports is evident through their nationally acclaimed basketball and track and field wheelchair teams, as well as their support for individuals participating in other sports programs; and

WHEREAS, UIUC wheelchair athletics partnered with the Illinois High School Association piloted the first State-wide model in the nation for interscholastic wheelchair basketball competition, providing athletic opportunities to high school students with disabilities across all 102 counties within Illinois; and

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WHEREAS, The Fighting Illini Men's Wheelchair Basketball team has won ten National Intercollegiate Championship titles, played in every National Wheelchair Basketball Association post-season tournament, as well as winning three open titles prior to intercollegiate play; the Fighting Illini Women's Wheelchair Basketball team has won nine National Women's Basketball Tournament Championships and holds the record for the most consecutive national titles; and

WHEREAS, A long line of successful and historically significant wheelchair basketball coaches, including Dr. Timothy Nuggent, Dr. Brad Hedrick, and Dr. Bob Szyman, continue to dedicate their time, resources, and energy to the UIUC Men's and Women's Wheelchair Basketball programs that are currently under the direction of internationally renowned Head Coach, Michael Frogley; and

WHEREAS, The University's adapted varsity sports program has sent many of its elite players on to compete in national and international competitions, including eight current students, four recent graduates, four alternates and numerous UIUC alums attending the 2000 Paralympics Games in Sydney, Australia; and

WHEREAS, Ms. Lauren Reynolds, a University of Illinois junior swimmer, won three swimming medals in the 2000 Paralympics in Sydney, Australia, a gold medal in the 400 meter freestyle, a silver medal in the 100 meter freestyle and 4X100 free relay, and set a world record in the 400 meter freestyle; and

WHEREAS, Ms. Reynolds has served as an inspiration and role model to thousands of children and students with disabilities, helping them set and reach their goals in life; in recognition of her significant contributions, Ms. Reynolds was named the Wheelchair Sports USA's Female Athlete of the Year in 2000; and

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WHEREAS, Ms. Reynolds is a junior and Speech Pathology major at UIUC and is the only athlete with a disability to be chosen for the varsity women's swimming team; and

WHEREAS, The University's dedication to adapted varsity sports program has created an important forum for students with disabilities to compete with their peers in athletic programs while helping individuals build self-confidence, team work and setting personal goals; therefore be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we salute and recognize the University of Illinois, its President, Chancellors, Board of Trustees, and athletes for its commitment to providing increased opportunities for athletes with disabilities to participate in varsity sports and encourage them to expand those opportunities; and be it further

RESOLVED, That the House of Representatives congratulates and recognizes Ms. Lauren Reynolds for her dedication, perseverance, and hard work in not only the sport of swimming but in her leadership and example to all children and citizens with disabilities to strive to do their personal best; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the University of Illinois, its President, Chancellors, Board of Trustees, and Athletic Director as a symbol of our support and appreciation for their continuing support for varsity athletics for students with disabilities."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. If I can have the Member's attention for a moment, please. It is really with great pride that I am able to introduce to you today a group of outstanding

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students from the University of Illinois and some of the finest athletes in the world. You know, our flagship public university is known for a lot of things, inventing the Internet, all kinds of things, engineering, architecture, great research, good teaching. I wanted each and everyone of you to know that the University of Illinois in your support for higher education provides an opportunity for students of all kinds, and most particularly students with disabilities, to be in one of the very finest assisted athletic programs in the world. And I am very proud of it. I want each of you to be proud of it. And today I'm really privileged to introduce to you some of the best athletes in the world. In the gallery... And just wave, you guys, because not everyone could be on the floor: Mike Van Cleve, who's a Senior in architecture and is a George Huff award winner for academic and athletic excellence. Grant Mizens is a Junior in econ. He's also been a member of the Australian Men's National Wheelchair Basketball team. Adam Lancia, sophomore in kinesiology. He also happens to be a member of the Canadian Men's National Wheelchair Basketball team and he's won two gold medals in world championships. Jennifer Scott, a sophomore in kinesiology, also a George Huff award winner for academic and athletic excellence and a member of the U.S.A. Wheelchair Track team. Stef Wheeler, a junior in kinesiology, member of the U.S.A. Women's National Wheelchair Basketball team. Brandi Zimmerman, freshman in accounting, but a member of the U.S.A. Wheelchair Track team. Janna Crawford is a graduate student in urban and regional planning. She's the member of the U.S.A. Women's National Basketball and a George Huff award winner for academic and athletic excellence. Dan Ferriera is a

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graduate student in sports management. And he's also the assistant coach and regarded as one of the top young coaches in the world. And then Lauren Reynolds, who's with us on the floor today. Lauren Reynolds is a senior in speech and hearing science. She was a member of the U.S.A. Paralympics Swimming team in Sydney, Australia, winner of one gold medal and two silver medals at the 2000 Paralympics. She's a current holder of the world record in the 400 freestyle. She's a member of the women's varsity swimming team, and is the current winner of the Wheelchair Sports U.S.A. Female Athlete of the Year. Last but not least, one... a person who I have found one of the most inspirational people I've ever met, Mike Frogley is the head coach of the men's and women's wheelchair basketball teams at the University of Illinois. Mike is a men's national championship winner in '98, 2000, and 201 (sic-2001) and the women's national championship winner in 202 (sic-2002). He's also been the head coach of the Canadian Men's National Wheelchair Basketball team. He's won gold medals as the assistant coach of the Canadian Women's Nationals and he has won more awards in both countries, both in Canada his home country, and the University of Illinois. I want all of you to recognize and know that these student athletes do us all proud every day and we're really happy you're there."

Speaker Madigan: "On the Resolution, Mr. Berns."

Berns: "Thank you, Mr. Speaker. I join with Representative Erwin in our support and congratulations to all our student athletes at Urbana-Champaign Campus of the University of Illinois and I wish them Godspeed in their future lives."

Speaker Madigan: "The question is, 'Shall the Resolution be adopted?' Those in favor say 'yes'; those opposed say

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'no'. The 'ayes' have it. The Resolution is adopted.
Mr... Committee Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure was referred, action taken on April 9th, 2002, reported the same back with the following recommendation: 'to the floor for consideration' House Joint Resolution Constitutional Amendment #3."

Speaker Madigan: "On page 2 of the Calendar, on the Order of Senate Bills-Second Reading there appears Senate Bill 151. Mr. Holbrook, do you wish to call your Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 151 has been read a second time, previously. Amendment #1 and 2 have been adopted to the Bill. No Motions have been filed. No further Amendments have been approved for consideration."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Holbrook, do you wish to call the Bill today? The Gentleman indicates he does not wish to call the Bill today. Ladies and Gentlemen, we have several committee chairs who plan to cancel committees, so if you can give attention. First, Mr. Hoffman, Mr. Jay Hoffman."

Hoffman: "Thank you, Mr. Speaker. The House Transportation Committee will be canceled for this afternoon. The House Transportation Committee is canceled."

Speaker Madigan: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. The House Children & Youth Committee will be canceled for today. The House Children & Youth is canceled."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker. The Judiciary I Committee, Civil Law will be canceled tomorrow morning."

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Speaker Madigan: "Mr. Bugielski."

Bugielski: "Thank you, Mr. Speaker. Let the Members of the House Financial Institutions Committee know that the meeting will be canceled for this afternoon."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. The House Higher Education Committee will be canceled tomorrow. House Higher Education Committee canceled tomorrow."

Speaker Madigan: "Is there anything further to come before the Body? Mr. Black. Mr. Black."

Black: "Thank you very much, Mr. Speaker. The Danville Caucus will meet immediately after Session and nobody's invited unless you're from Danville. Thank you."

Speaker Madigan: "Agreed Resolutions."

Clerk Rossi: "House Resolution 785, offered by Representative Capparelli. House Resolution 787, offered by Representative Wright. House Resolution 788, offered by Representative Novak. House Resolution 790, offered by Representative Capparelli. House Resolution 792, offered by Representative Black. House Resolution 793, offered by Representative Daniels. And House Resolution 796, offered by Representative Julie Curry."

Speaker Madigan: "Is there anything further? There being nothing further, Representative... The Clerk advises that we should adopt the Agreed Resolutions. And so those in favor of the Agreed Resolutions say 'yes'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Representative Currie moves that the House does stand adjourned until tomorrow at 1 p.m. Those in favor signify by saying 'yes'; those opposed say 'no'. The House does stand adjourned until 1 p.m. tomorrow afternoon, providing perfunctory time for the Clerk."

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Clerk Rossi: "Introduction and First Reading of Senate Bills. Senate Bill 1838, offered by Representative Mautino, a Bill for an Act concerning the Department of State Police. First Reading of this Senate Bill."

Clerk Bolin: "The House Perfunctory Session will come to order. The First Reading and Introduction of House Joint Resolution Constitutional Amendment #14, offered by Representative Bill Mitchell."

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #14

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 2 of Article VIII of the Illinois Constitution as follows:

ARTICLE VIII

FINANCE

(ILCON Art. VIII, Sec. 2)

SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and

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every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(c) The aggregate of appropriations for the expenditure of public funds by the State for a fiscal year shall not exceed the aggregate of appropriations for the expenditure of public funds by the State for the preceding fiscal year by more than 3% or, if a cost of living index has been designated by law for this purpose, the percentage increase from the previous year in the cost of living based on that index, whichever is less. The General Assembly may exceed the limit on the aggregate appropriations for the expenditure of public funds by the State for a fiscal year only by an affirmative record vote of three-fifths of the members elected to each house.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. First Reading of this Constitutional Amendment. First Reading of House Joint Resolution Constitutional Amendment #15, offered by Representative Franks."

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #15

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RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 2 of Article X of the Constitution as follows:

ARTICLE X

EDUCATION

(ILCON Art. X, Sec. 2)

SECTION 2. STATE BOARD OF EDUCATION - STATE SUPERINTENDENT OF EDUCATION CHIEF-STATE-EDUCATIONAL-OFFICER

(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.

(b) A State Superintendent of Education shall be nominated at a general primary election and elected by the electors of the State at the general election every 4 years, beginning in 2006. The State Superintendent of Education shall hold office for 4 years beginning on the second Monday of January after his or her election. To be eligible to hold the office of State Superintendent of Education a person must be a United States citizen, at least 25 years old, and a resident of the State for 10 years preceding his or her election.

The names of the candidates for State Superintendent of

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Education shall be printed on the ballot directly below the names of the candidates for Secretary of State.

Any vacancy in the office of State Superintendent of Education shall be filled in the manner provided in Section 7 of Article V.

Until the State Superintendent of Education initially elected under this Section takes office, the State Board of Education shall appoint a chief state educational officer.

The State Superintendent of Education shall be the chief educational officer of the State.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act, and when the State Superintendent of Education initially elected under Section 2 of Article X of the Illinois Constitution takes office, the term of office of the chief state educational officer appointed by the State Board of Education shall expire. First Reading of House Joint Resolution Constitutional Amendment #15."

Clerk Rossi: "Introduction and First Reading of Senate Bills.

Senate Bill 2074, offered by Representative Barbara Currie, a Bill for an Act in relation to criminal law. Senate Bill 2294, offered by Representative Hannig, a Bill for an Act in relation to property. First Reading of these Senate Bills. There being no further business, the House Perfunctory Session will now stand adjourned."