

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

103rd Legislative Day

March 2, 2000

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Andrew Santos III of the St. Lawrence O'Toole parish in Matteson. Reverend Santos is the guest of Representative Kosel. The guests in the gallery may wish to rise and join for the invocation and the Pledge of Allegiance."

Reverend Santos: "Good morning, honorable Representatives. It is truly a pleasure and an honor to be here before you this morning in the name of God to begin this noble gathering of persons with a prayer before our Lord. I want to first, personally, thank Representative Kosel for her kind invitation, hospitality extended towards my assistant Jose and I, as well as, her excellent service in our district. Knowing of the great tradition that continues to live in this noble Assembly, we encourage all of you to always maintain a course led by God as you discuss the mighty issues that weigh upon your shoulders. Let us begin our prayer this day first with the Word of God from our sacred Scriptures. It'll be from the Gospel of Matthew, Chapter 25. Jesus then said to his Disciples, 'Then the King will say to those on his right, come, you who are blessed by My Father, inherit the Kingdom prepared for You from the foundation of the world. For I was hungry and You gave me food. I was thirsty and You gave me drink. A stranger and You welcomed me. Naked and You clothed me. Ill and You cared for me. In prison and You visited me.' Then the righteous will answer Him and say, Lord, when did we see You hungry and feed You or thirsty and give You drink? When did we see You a stranger and welcome, you're naked and clothe You? When did we see You ill or in prison and visit You?' And the King will say to them in reply, 'Amen, I say

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to you. Whatever you did, for one of these least brothers and sisters of mine, you did for me.' And let us pray. We stand before You, Holy Spirit, conscious of our sinfulness, but aware that we gather in Your name. Come to us. Remain with us and enlighten our hearts. Give us light and strength to know Your will to make it our own and to live it in our lives. Guide us by Your wisdom. Support us by Your power for You are God sharing the glory of Father and Son. You desire justice for all. Enable us to uphold the rights of others, especially, the right to live life often attacked in its most vulnerable stages, before it is born and at the end of its journey. Do not allow us to be misled by ignorance or corrupted by fear of favor, but unite us to yourself in the bond of love and keep us faithful to all that is true. As we gather in Your name, may we temper justice with love so that all our decisions may be pleasing to You and earn the reward promised to the good and faithful servants. We ask this in the name of God from whom all blessings come. Amen."

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

Morrow - 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 there are no excused absences among House Democrats, today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that all Republicans are

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present, today."

Speaker Madigan: "Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk, on page 25 of the Calendar, read the Consent Calendar Second Reading Second, Day. Page 25 of the Calendar."

Clerk Rossi: "Consent Calendar Second Reading, Second Day. House Bill 2870, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill."

Speaker Madigan: "Third Reading. Mr. Hartke. Committee Reports. Representative Hartke in the Chair."

Clerk Rossi: "Committee Reports. Representative Howard Kenner, Chairperson from the Committee on State Government, to which the following measures were referred, action taken on March 2, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 3610. Representative Coy Pugh, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on March 2, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 3240 and Floor Amendment #2 to House Bill 4370. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on March 2, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to House Bill 3928. Representative Joe Lyons, Chairperson from the Committee on Child Support Enforcement, to which the following measures were referred, action taken on March 2, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 4611. Representative Tom Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the

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following measures were referred, action taken on March 1, 2000, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to House Bill 3935 and Floor Amendment #1 to House Bill 4698. Representative Todd Stroger, Chairperson from the Committee on Labor and Commerce, to which the following measure were referred, action taken on March 1, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 3177. Representative Lou Lang, Chairperson from the Committee on Mental Health and Patient Abuse, to which the following measure was referred, action taken on March 2, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #2 to House Bill 4396. Representative Larry Woolard, Chairperson from the Committee on Elementary and Secondary, to which the following measure was referred, action taken on March 2, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #2 to House Bill 2902. Representative Connie Howard, Chairperson from the Committee on Computer Technology, to which the following measure was referred, action taken on March 2, 2000, reported the same back with the following recommendation: 'be adopted' Floor Amendment #1 to House Bill 4270. Introduction of Resolutions. House Resolution 638, offered by Representative Acevedo; and House Resolution 639, offered by Representative Woolard are assigned to the Rules Committee."

Speaker Hartke: "The Chair recognizes the Lady from Peoria, Representative Slone. Representative Slone."

Slone: "Speaker and Ladies and Gentlemen. Would you please acknowledge in the gallery, up here, Nolan Dray and his mother who are here to testify before the House Energy and

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Environment Committee, today. Thank You."

Speaker Hartke: "Ladies and Gentlemen, for the first few minutes this morning, we're gonna be running Appropriation Bills from Second to Third Reading so bear with me, if you will. On today's Calendar, on Second Reading, appears House Bill 3550. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3550 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4345. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4345 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4356. Representative Daniels."

Clerk Rossi: "House Bill 4356 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4357. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4357 has been read a second time, previously."

Speaker Hartke: "House Bill 4355. Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4355 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4359. Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4357 (sic- 4359) has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4359. Daniels. Mr. Clerk."

Clerk Rossi: "House Bill 4359 has been read a second time, previously."

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Speaker Hartke: "Third Reading. House Bill 4362. Daniels. Mr. Clerk."

Clerk Rossi: "House Bill 4362 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4364. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4364 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4365. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4365 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4366. Daniels. Mr. Clerk."

Clerk Rossi: "House Bill 4366 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4372. Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 43..."

Speaker Hartke: "(4372)."

Clerk Rossi: "House Bill 4372 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4373. Daniels. Mr. Clerk."

Clerk Rossi: "House Bill 4373 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4374. Daniels. Mr. Clerk."

Clerk Rossi: "House Bill 4374 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4379. Daniels. Mr. Clerk."

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Clerk Rossi: "House Bill 4379 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4380. Mr. Daniels."

Clerk Rossi: "House Bill 4380 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4381. Mr. Clerk."

Clerk Rossi: "House Bill 4381 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4382. Mr. Daniels."

Clerk Rossi: "House Bill 4382 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4383. Daniels."

Clerk Rossi: "House Bill 4383 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4384. Daniels."

Clerk Rossi: "House Bill 4384 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4385. Daniels."

Clerk Rossi: "House Bill 4385 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4386. Daniels."

Clerk Rossi: "House Bill 4386 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4387. Daniels."

Clerk Rossi: "House Bill 4387 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4388. Daniels."

Clerk Rossi: "House Bill 4388 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4391. Daniels."

Clerk Rossi: "House Bill 4391 has been read a second time, previously."

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Speaker Hartke: "Third Reading. House Bill 4392. Daniels."

Clerk Rossi: "House Bill 4392 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4393. Daniels."

Clerk Rossi: "House Bill 4393 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4394. Daniels."

Clerk Rossi: "House Bill 4394 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4397. Daniels."

Clerk Rossi: "House Bill 4397 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4398. Daniels."

Clerk Rossi: "House Bill 4398 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4399. Daniels."

Clerk Rossi: "House Bill 4399 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4401. Daniels."

Clerk Rossi: "House Bill 4401 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4402. Daniels."

Clerk Rossi: "House Bill 4402 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4435. Hannig."

Clerk Rossi: "House Bill 4435 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4437. Hannig."

Clerk Rossi: "House Bill 4437 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 4438. Hannig."

Clerk Rossi: "House Bill 4438 has been read a second time,

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previously."

Speaker Hartke: "Third Reading. House Bill 4439. Hannig."

Clerk Rossi: "House Bill 4439 has been read a second time,
previously."

Speaker Hartke: "House Bill 4040. Third Reading. House Bill
4440. Hannig."

Clerk Rossi: "House Bill 4440 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4441. Hannig."

Clerk Rossi: "House Bill 4441 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4442. Hannig."

Clerk Rossi: "House Bill 4442 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4443. Hannig."

Clerk Rossi: "House Bill 4443 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4444. Hannig."

Clerk Rossi: "House Bill 4444 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4445. Hannig."

Clerk Rossi: "House Bill 4445 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4446. Hannig."

Clerk Rossi: "House Bill 4446 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4447. Hannig."

Clerk Rossi: "House Bill 4447 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4562. Hannig."

Clerk Rossi: "House Bill 4562 has been read a second time,
previously."

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Speaker Hartke: "Third Reading. House Bill 4564. Hannig. 4464.
4564, excuse me."

Clerk Rossi: "House Bill 4564 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4565. Hannig."

Clerk Rossi: "House Bill 4565 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4572. Ryder."

Clerk Rossi: "House Bill 4572 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4573. Hannig."

Clerk Rossi: "House Bill 4573 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4576. Ryder."

Clerk Rossi: "House Bill 4576 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4582. Hannig."

Clerk Rossi: "House Bill 4582 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4583. Ryder."

Clerk Rossi: "House Bill 4583 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4584. Hannig."

Clerk Rossi: "House Bill 4584 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4587. Hannig."

Clerk Rossi: "House Bill 4587 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4588. Hannig."

Clerk Rossi: "House Bill 4588 has been read a second time,
previously."

Speaker Hartke: "Third Reading. The Chair's prepared to move a

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bunch of shell Bills from second to third. House Bill
1284. Madigan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1284 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3288. Cowlishaw."

Clerk Rossi: "House Bill 3288 has been read a second time,
previously. Amendments 1 and 2 have been adopted to the
Bill. No Motions filed. No Floor Amendments approved for
consideration."

Speaker Hartke: "Third Reading. House Bill 3568. Madigan."

Clerk Rossi: "House Bill 3568 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3574. Madigan."

Clerk Rossi: "House Bill 3574 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3583. Madigan."

Clerk Rossi: "House Bill 3583 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3588. Madigan."

Clerk Rossi: "House Bill 3588 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3595. Madigan."

Clerk Rossi: "House Bill 3595 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3599. Madigan."

Clerk Rossi: "House Bill 3599 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 603 (sic-3603).
Madigan."

Clerk Rossi: "House Bill 3603 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3606. Madigan."

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Clerk Rossi: "House Bill 3606 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3612. Madigan. (3612)."

Clerk Rossi: "House Bill 3612 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3613. Madigan."

Clerk Rossi: "House Bill 3613 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3615. Madigan."

Clerk Rossi: "House Bill 3615 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3617. Madigan."

Clerk Rossi: "House Bill 3617 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3620. Madigan."

Clerk Rossi: "House Bill 3620 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3621. Madigan."

Clerk Rossi: "House Bill 3621 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3623. Madigan."

Clerk Rossi: "House Bill 3623 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3626. Madigan."

Clerk Rossi: "House Bill 3626 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3629. Madigan."

Clerk Rossi: "House Bill 3629 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3637. Madigan."

Clerk Rossi: "House Bill 3637 has been read a second time,

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previously."

Speaker Hartke: "Third Reading. House Bill 3640. Madigan."

Clerk Rossi: "House Bill 3640 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3646. Madigan."

Clerk Rossi: "House Bill 3646 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3651. Madigan.
36..."

Clerk Rossi: "House Bill 3651 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3665. Madigan."

Clerk Rossi: "House Bill 3665 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3678. Madigan."

Clerk Rossi: "House Bill 3678 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3685. Madigan."

Clerk Rossi: "House Bill 3685 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3691. Madigan."

Clerk Rossi: "House Bill 3691 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3693. Madigan."

Clerk Rossi: "House Bill 3693 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3699. Madigan."

Clerk Rossi: "House Bill 3699 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3701."

Clerk Rossi: "House Bill 3701 has been read a second time,
previously."

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Speaker Hartke: "Third Reading. House Bill 3706. Madigan."

Clerk Rossi: "House Bill 3706 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3708."

Clerk Rossi: "House Bill 3708 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3712. Madigan."

Clerk Rossi: "House Bill 3712 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3720. Madigan."

Clerk Rossi: "House Bill 3720 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3746. Madigan."

Clerk Rossi: "House Bill 3746 has been read a second time, previously."

Speaker Madigan: "Third Reading. House Bill 3751. Madigan."

Clerk Rossi: "House Bill 3751 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3756. Madigan."

Clerk Rossi: "House Bill 3756 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3758. Madigan."

Clerk Rossi: "House Bill 3758 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3761. Madigan."

Clerk Rossi: "House Bill 3761 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3768. Madigan."

Clerk Rossi: "House Bill 3768 has been read a second time, previously."

Speaker Hartke: "Third Reading. House Bill 3771. Madigan."

Clerk Rossi: "House Bill 3771 has been read a second time,

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previously."

Speaker Hartke: "Third Reading. House Bill 3773. Madigan."

Clerk Rossi: "House Bill 3773 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3785. Madigan."

Clerk Rossi: "House Bill 3785 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3788. Madigan."

Clerk Rossi: "House Bill 3788 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 3806. Madigan."

Clerk Rossi: "House Bill 3806 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4421. Madigan.
(4421)."

Clerk Rossi: "House Bill 4421 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4656. Madigan."

Clerk Rossi: "House Bill 4656 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4659. Madigan."

Clerk Rossi: "House Bill 4659 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4668. Madigan."

Clerk Rossi: "House Bill 4668 has been read a second time,
previously."

Speaker Hartke: "Third Reading. House Bill 4700. Madigan."

Clerk Rossi: "House Bill 4700 has been read a second time,
previously."

Speaker Hartke: "Third Reading. Page 5 on the Calendar, on Third
Reading, appears House Bill 3490. Representative Moffitt.
Second Reading, excuse me. Mr. Moffitt. Mr. Clerk, read

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the Bill."

Clerk Rossi: "House Bill 3490 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Moffitt, has been approved for consideration."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Amendment #1 was language that as a result of the comments from the committee. This is to raise the age at which you could buy lottery tickets and make wagers on horses to 21, but there will be an exemption for those people on active military duty. That was a suggestion of the committee and that's what the Amendment does."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 3490?' 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. On Third Reading, on page 21 of the Calendar, appears House Bill 665. Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 665, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Brunsvold. Joel Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House this is a very simple Bill. It extends a TIF district in the City of Rock Island and one in the City of Moline from 23 to 35 years which is the norm. We've done this before. And the school districts in those two

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communities have signed off on the extension of the TIF district and support this effort. So a very narrow Bill, just dealing with two cities, in my district, and I would ask for your support."

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

Cross: "Thank you for calling on me, today, Mr. Speaker."

Speaker Hartke: "You're welcome."

Cross: "I'm not gonna yield my time. I just wonder if I can ask some questions."

Speaker Hartke: "Should I put the timer on?"

Cross: "Please, no. It won't take long. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Cross: "There any opponents to this, Joel?"

Brunsvold: "None, Mr. Cross."

Cross: "And this is a Bill that affects only your district..."

Brunsvold: "Only my districts, it's very narrowly drawn and specifically, to Rock Island and Moline."

Cross: "And they've requested it. Is that correct?"

Brunsvold: "Absolutely. Yeah."

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

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Brunsvold to close. He declines. The question is, 'Shall the House pass House Bill 665?' 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? There are still two people that have not voted. Mr. Clerk, take the record. On House Bill 665, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. On page 10 of the Calendar, appears House Bill 3944. Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3944 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative McCarthy, has been approved for consideration."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 1 to House Bill 3944 simply removes all of the parts of the Bill that had to do with the Loan Broker's Act of 1995. There were some questions in committee regarding the removal of the surety bond and because of the fact that that was the only controversial nature of the Bill we decided to amend it out and fight that battle at a future date. So I would ask for the approval of Amendment #1."

Speaker Hartke: "Is there any discussion? The Chair recognizes Mr. Cross."

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, is the Secretary of State's Office okay with this Bill, as amended?"

McCarthy: "Yes, Sir. In fact, it's an initiative of the Secretary of State's Office and I have the Securities Department people here with me, today."

Cross: "Well, I feel a lot safer knowing the Security Department's here. Is the Bar Association in support over this, now with the Amendment, that you... the Illinois Bar Association?"

McCarthy: "The Bar Association has taken no position before or after the Amendment."

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Cross: "All right. Are all the banking institutions or the banking groups and mortgage groups now okay with this with Amendment #1?"

McCarthy: "We really didn't amend it at the request of any set organization. There were some questions by Representative Mathias in committee and because of that part that's why we amended it and took out the Loan Brokers part of the Act."

Cross: "Are you aware of any opposition to this Bill at this time, as is amended?"

McCarthy: "At this time, I'm aware of no opposition."

Cross: "All right. Thank you."

McCarthy: "Thank you."

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

McCarthy: "I would just request an 'aye' vote on the Amendment."

Speaker Hartke: "The question is, 'Shall the House pass House Bill... Shall the House adopt Amendment #1 to House Bill 3944?' 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 1776. Representative Hamos. Representative Hamos in the chamber? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1776 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Hartke: "Representative Hamos."

Hamos: "Mr. Speaker, I would like to withdraw Floor Amendment #1."

Speaker Hartke: "Withdraw (sic-Floor) Amendment #1."

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

Speaker Hartke: "Representative Hamos. Representative Winters."

Winters: "Thank you, Mr. Speaker. This Amendment will put a date of repeal, an automatic repeal on this of January 20, 2003, I believe."

Speaker Hartke: "Is there any discussion? Seeing none, the question is, 'Shall the... Oh, excuse me. Representative Cross."

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

Speaker Hartke: "Sponsor will yield."

Cross: "David, with the repeal of this language or this Bill, is there gonna be an account or a fund established under this Bill assuming it becomes law?"

Winters: "I should correct my statement. I thought that it... the sunset is actually on June 30th of 2007. It will allow us to go through two election cycles and then automatically repeal. The answer to your question on whether or not there is a specific fund, that's not part of the Amendment so I can't directly answer it. But my thinking is on this that it's not a specific fund that it would be taken out of GRF. So any deductions that people do on their income tax would go in the GRF and then the funds would come directly out of GRF, but I can't answer it. That's not the purpose of this Amendment itself."

Cross: "All right. But I guess my question is, if you repealed or sunsetted this and we had a fund that... the intention is not to have a fund out there that's sitting by itself after you repeal this section or this Act?"

Brunsvold: "No."

Cross: "Or to sunset it?"

Brunsvold: "No and to my knowledge there is no specific fund set

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up for it."

Cross: "All right."

Brunsvold: "But we can ask that on the general Bill."

Cross: "All right. Thank you. No other questions."

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

Winters: "I urge adoption of the Amendment."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #2 to House Bill 1776?' 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: "Floor Amendment #3 offered by Representative Hamos."

Speaker Hartke: "Representative Hamos."

Hamos: "Mr. Speaker, Ladies and Gentlemen, this Floor Amendment #3 applies to the spending limits and the qualifying amounts for just two of the statewide offices that are covered under this Bill, Comptroller and Treasurer. And all this Amendment does is to update the numbers that were in the original Bill. And I urge its adoption."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Hartke: "She indicates she will."

Durkin: "Representative, as I look at the Amendment, are we getting into the notion that we are gonna start publicly financing campaigns? Is that what this Amendment's gonna do?"

Hamos: "This Amendment... this is a comprehensive campaign finance reform Bill that applies to statewide offices, only. And all this Amendment does, is to take two of those

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offices, Comptroller and Treasurer, and update the spending limits that would be required under this Bill and update the qualifying amounts that the candidates would have to raise in order to bring down matching funds."

Durkin: "Okay. Right now, there's nothing in our State Law which allows a candidate who's running for as a constitutional officer to get matching funds, correct?"

Hamos: "Correct."

Durkin: "But we are... this is a pretty bold statement that we're making with this Amendment, wouldn't you agree?"

Hamos: "No, not with this Amendment. But that's the discussion I'm sure we're going to have on the Bill."

Durkin: "All right. But we're still... what we're allowing for the first time, an elected official to get matching funds from the state for their campaign, correct?"

Hamos: "Again, Representative Durkin, all I'm doing is putting the Bill into a final form so that we can have a comprehensive discussion about it later."

Durkin: "All right. Let me try it again. But this Amendment, we are gonna first time allow for public financing of campaigns for Comptroller and Treasurer if they meet a certain threshold requirement for matching funds. That matching fund's gonna come out of the state though, correct?"

Hamos: "Well again, I think, we're getting into the substance of the Bill which is not what this Amendment does. Just... I want to be honest about what this Amendment does. All this Amendment deals with are two of those races, Comptroller and Treasurer. But it is correct, that this is a comprehensive campaign finance reform Bill that does include matching funds that are funded by check off from voters, I mean, taxpayers, as well as the possibility of

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GRF."

Durkin: "Is there any reason why you just designated both the Comptroller and Treasurer as opposed to the other constitutional offices?"

Hamos: "No. The other constitutional officers are covered in the underlying Bill. We just updated these numbers. We felt that the spending limits in the underlying Bill were too low to make a seriously statewide race competitive."

Durkin: "Okay. All right. Well, I'll ask the other questions when we get to the actual..."

Hamos: "Okay."

Durkin: "Third Reading."

Hamos: "Okay."

Durkin: "Thank you."

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

Hamos: "I urge the adoption of Amendment #3."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #3 to House Bill 1776?' 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: "Floor Amendment #4 offered by Representative Hamos."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you. Floor Amendment #4 essentially replaces Floor Amendment 1 and again, just makes a few changes just to make it in line with what our thinking was in the committee. What, we are, again, there are going to be contribution limits under this Bill. And what this Amendment tries to make clear is that the contribution limits apply to contributions from any source, including

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from corporations, individuals, political action committees, political parties. This Amendment just makes that clear and it also, for the check off provision, it takes out the \$5 maximum under the underlying Bill and takes that out so that people could contribute any amount. And I urge the adoption 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 1776?' 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 Wirsing. Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker. I just thought it might be appropriate to... we have the galleries filled here today and we have a lot of young people down here on the floor that to make note that the 4-Hers are in town today and one of our great youth organizations here in the state. And just wanted to make recognition that they're all here, up in the galleries and actually, all over the place, it appears so we want to welcome to Springfield."

Speaker Hartke: "Thank you very much, Representative Wirsing. Let's give the 4-Hers a welcome to Springfield. Remind any of you and all of you that we will not be announcing every group that comes in today, so if you get some time, go down and see the group from your county or your district that are here and welcome them to your capital, their capital, here in Springfield. On page 11 of the Calendar, appears House Bill 4181. Representative Mathias. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 4181 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 offered by Representative Mathias has been approved for consideration."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. The original intent of this Bill was to require public schools to include in its curriculum instruction dealing with intergroup conflict. In committee, I had promised to hold this on Second Reading in order to try to drive some consensus between the Illinois Association of School Boards and the American Jewish Committee who brought this Bill to me. We did reach consensus and Floor Amendment #1 is a consensus where instead of a mandate which the committee was against, this would make this entirely voluntary. It would make it permissive. It would require the school boards to... the schools, rather, to issue a report card to show if the school district incorporates antibias education as part of their activities, but it would not mandate them to have such instruction. It would make it entirely voluntary. And I urge a 'yes' vote on Floor Amendment #1. Thank you. This does (tape malfunction) the objection of the Illinois Association of School Boards. They are now in agreement with this Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 4181?' 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 2374. Representative

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Boland. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2374 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Boland, has been approved for consideration."

Speaker Hartke: "Representative Boland."

Boland: "Thank you, Mr. Speaker. Floor Amendment #1 narrows the scope of the Bill and simplifies the Bill and is an attempt to cut the cost. It was suggested by my Republican colleagues on the committee, Representatives Winter and Winkel, and I think it improves the Bill. So I would move to adopt."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 2374?' 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 2967. Representative Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2967 has been read a second time, previously. Floor Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Dart, has been approved for consideration."

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker. I would move to table Floor Amendment #1."

Speaker Hartke: "Mr. Dart moves to table House Amendment #1. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the

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Amendment #1 is tabled. Further Amendments?"

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

Speaker Hartke: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 makes a technical, typographical change in Amendment #1 which was needed to make it accurate. And I'd move for its adoption."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is... The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Would the Sponsor briefly explain Amendment #2."

Speaker Hartke: "Sponsor will yield."

Dart: "Amendment #2 is absolutely identical to Amendment #1 which we adopted about a week ago and which we had started a debate on except it corrects the typographical error that was made by LRB in the drafting of the Amendment which referenced the word 'dead' instead of the word 'deed' in the text of the Bill. That's the only change."

Stephens: "Is this the Bill that you yourself called controversial?"

Dart: "The noncontroversial. Yeah, exactly, or so I thought. Yeah. Hey, Ron, it's just purely just a change in that one le... The only difference between Amendment 1 and 2 is a pure correction of that typographical error. There is no difference other than that."

Stephens: "Very good. That's my understanding. There was a typographical error in Amendment #1, that has been corrected. Representative, we'll talk about this on Third Reading. I'm still not sure that we're going to agree that we should move the Bill, but we would yield on Amendment

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#2."

Dart: "Sure. Great. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 2967?' 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 3868. Representative Burke. Out of the record. House Bill 2902. Representative Cross. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2902 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Cross, has been approved for consideration."

Speaker Hartke: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This Bill was adopted in committee this morning without any opposition. We narrowed down a Bill that we had... we narrowed the Bill to take care of some concerns, respect to the IEA, as to what's available on a background check of prospective employees in park districts and schools. I'm not aware of any opposition. I'd be glad to answer any questions and I'd appreciate a 'yes' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Davis, Monique Davis."

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

Speaker Hartke: "Sponsor will yield."

Davis, M.: "Representative, the park district is included in this. Is this correct?"

Cross: "Yes, Ma'am."

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Davis, M.: "The Chicago Park District or all park districts?"

Cross: "All park districts. All of them."

Davis, M.: "So what kind of work will those employees at the park districts be doing that they will be excluded from? What kind of work?"

Cross: "There wouldn't be any exclusion, Representative. It's merely at the time of hiring, the issue is whether or not... The issue is whether the school districts or park districts would have access to, we only go back seven years on the majority of these crimes. What kind of criminal history prospective employees of a park district may have and it has nothing to do with subsequent to the hiring."

Davis, M.: "So, in other words, for the previous seven years a park district or school board can investigate a potential employer (sic-employee)?"

Cross: "What they would do is... as you remember in committee, I had this pretty broad where they could go back forever."

Davis, M.: "I remember."

Cross: "And we were concerned at that and you made some good points, as did Representative Johnson, that that was too broad. And also we had misdemeanors included. So what we did is we took out all the misdemeanors and we narrowed it down to include just within the last seven years felony offenses, certain felony offenses. So if the time that you're gonna come in either be a bus driver or a teacher, the school district or park district can run a background check and find out what convictions someone's had only back seven years. They can still hire, and I want to make sure we emphasize that, but they do have access to only seven years."

Davis, M.: "Well, I want to thank you, Representative Cross, for the hard work that you've put into this Bill and I do

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support your legislation."

Cross: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #2 to House Bill 2902?' All those in favor will 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 3911. Representative Davis. Monique Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3911 has been read a second time, previously. Amendment #1 was adopted to the Bill. No Motions were filed. Floor Amendment #2, offered by Representative Monique Davis, has been approved for consideration."

Speaker Hartke: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. Floor Amendment 2 merely removed the Section that said the Secretary of State prescribed the manner in which the State Police sent in their report. And we feel that the State Police should make that determination of what kind of form they choose to use to submit the information. So this Amendment merely removes that prescription by the Secretary of State's Office."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, let me be sure I understand the Amendment. Amendment #2 simply removes local law

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enforcement agencies from the record keeping, correct? And only mandates it on the State Police?"

Davis, M.: "That is cor... that's Amendment #1. That's correct."

Black: "Oh, that's Amendment #1."

Davis, M.: "That's the Bill. The Bill is only for the State Police. That's correct. Amendment #1 removed all the other police official districts and it only remains... and Amendment #2, as I stated, removes the Secretary of State's prescribed manner. And it's up to the State Police how they submit that data."

Black: "Okay. I'm sorry."

Davis, M.: "That's okay."

Black: "I misspoke. So it removes the responsibility from the County Clerks..."

Davis, M.: "Totally."

Black: "...for compiling the data and puts it into the Secretary of State's responsibility?"

Davis, M.: "That is correct."

Black: "Okay. Can I just... Mr. Chairman, you don't have to answer this, but for my own curiosity, we have two of these Bills on the floor. Are you planning to run yours and the Speaker his or will they be..."

Davis, M.: "The Speaker doesn't have this Bill. The Speaker does not have 3911. He might want to, but he doesn't have it."

Black: "Okay. I'm sorry. I'm thinking about the videotape Bill."

Davis, M.: "That's what you're thinking of."

Black: "Okay. If you'll send me another cup of coffee, I'll get with the program here in about two minutes."

Davis, M.: "We'll even buy it for you."

Black: "Well, then I might have to report it or you have to report it. I'm not sure who. Thank you very much. Thank

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you, Mr. Speaker."

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

Davis, M.: "I would just ask for a favorable vote on Amendment 2."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #2 to House Bill 3911?' 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 Bolin: "No further Amendments. But notes have been requested on the Bill, as amended, and those notes have not yet been filed."

Speaker Hartke: "The Bill will remain on Second Reading pending the submission of those notes. House Bill 29... or excuse me, 3928. Representative Capparelli. Out of the record. House Bill 3240. Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3240, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Beaubien, has been approved for consideration."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Yes. I offer you an Amendment to the Bill. It covers the Uniform Penalty and Interest Acts. And it deals with the late payment of interest and late filing fees which have been somewhat onerous in the State of Illinois. This Bill benefits all taxpayers and will promote Illinois as a taxpayer-friendly state. It's agreed to by the Department of Revenue, who's the Sponsor, and virtually every business group in the state headed up by the Chicago Chamber of Commerce, the state Chamber of Commerce. And I urge you to

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adopt the Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 3240?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 3610. Representative Erwin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3610, the Bill's been read a second time, previously. Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Erwin, has been approved for consideration."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. Amendment #2 is an Amendment that will support a African trade program and I would defer the rest of the explanation to the ever-competent State Representative Charles Morrow."

Speaker Hartke: "The Chair recognizes Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 was introduced as House Bill 4609. I wasn't able to get that Bill heard in committee. This concept was voted on last spring and was passed out of the House 118-0. It was not heard in the Senate. Basically, what the African trade pavilion does is that it sets up a one-stop shopping center for African businesses coming to the State of Illinois wanting to get info on Illinois businesses. This Bill has been confused with the Governor's proposal to open up trade offices in Africa. This Bill has nothing to do with the opening of trade offices of Africa nor does it direct what countries that

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the Governor should consider. This is just a trade pavilion. To give you some history, since last year, we've negotiated an agreement with UIC, UIC has donated offices, the Illinois Mental Commission, they've donated offices and they're in the process of trying to locate some land on the UIC campus so that we can house and build this pavilion. Be glad to answer any question."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke. The Sponsor will yield."

Parke: "Thank you, Mr. Speaker. The Sponsor yield? Yes."

Speaker Hartke: "Yes."

Parke: "Thank you. Representative, I appreciate what you're trying to do, but my question is, what if somebody from the Middle East wanted to use this facility or this service, could they come in if they weren't from the continent of Africa?"

Morrow: "Well, many countries in the Middle East are on the continent of Africa. Egypt is one of 'em."

Parke: "What if it was Turkey? What if it was Cypress?"

Morrow: "Well, I believe, Turkey or Cypress have their own trade offices in the World Trade Center."

Parke: "So they couldn't use this center?"

Morrow: "No, they couldn't."

Parke: "So how many of these types of facilities are there in the United States, now?"

Morrow: "Well, because I introduced this legislation last year, Florida has now considered language of this type. I believe, North Carolina, a Legislator in North Carolina has also introduced language to create a African trade pavilion within their state."

Parke: "So there is no place else in the United States doing

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this?"

Morrow: "Representative Parke, I have in my 14 years, I've been known for always introducing landmark legislation."

Parke: "That probably is true. That's probably true. I guess, I can appreciate what you're trying to do. The only thing that bothers me is that it's exclusive rather than inclusive and that ought not to be the way it's approached. I would think that there ought to be an opportunity for people who might have certain needs to be able to operate in that system and I'd like you to think about that as this Bill proceeds."

Morrow: "Representative Parke, I'm always open to any ideals that you have."

Parke: "Well, that's wonderful. I appreciate that, too. Thank you."

Speaker Hartke: "Further discussion? Seeing that nobody is seeking recognition, the question is, 'Shall the House adopt Amendment #... 'Shall the House adopt Amendment #2 to House Bill 3610?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4370. Representative Wojcik. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4370, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Wojcik, has been approved for consideration."

Speaker Hartke: "Representative Wojcik."

Wojcik: "Yes, Mr. Speaker, Members of the House. Floor Amendment #2 becomes the Bill. It amends the Property Tax Code and

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adds language to the Code in a Section dealing with property tax abatements that may be approved by the governing authority of any tax district. This language states that any property used for recreational facilities or for parking lots for these facilities, that is subject to a lease-hold assessment and which is sublet from a park district that is leasing the property from a municipality, may have the lease-hold assessment abated. This is requested by the Schaumburg Park District and the reason for it is because we have a sports complex that wants to come in and they want to have the taxes abated. I ask for its favorable passage."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 4370?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 4270. Representative Howard. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4270, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Howard, has been approved for consideration."

Speaker Hartke: "Representative Howard."

Howard: "Thank you, Mr. Speaker. House Bill 4270 is the Eliminate the Digital Divide Bill and the Amendment #1 becomes the Bill. There are seven components to this Bill. Number one would be the creation of a Digital Divide Bridge Grant (sic-Grant) Program. It would be administered by DCCA and would make grants available to community-based

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organizations for the purposes of maintaining computer equipment where purchases are directly related to educational and workforce preparation programs. Eligible community-based organizations would serve communities with not less than 50% of students eligible for the free or reduced lunch program. Component number two of the Digital Divide Elimination Act would be community technology center grant program. This would provide 40 community technology centers to be used for planning, establishment, administration, and expansion of community technology centers. The purpose would be to recruit volunteers and manage infrastructure and related goods and services. It would serve communities that have not less than 50% eligibility for free or reduced lunch programs. The third component would be a statewide community technology center for the establishment and administration of a statewide community technology center network to assist in local and regional planning. The fourth component would be computers for children which we fondly called 'C Drives for Kids'. The purpose would be to refurbish and upgrade donated computers as high quality computers for use by children and schools, park district programs and community centers. The fifth component is the e-training technology program. And this would train elementary and high school teachers in eligible school districts using two courses, 'Introductions to Computers' and 'Introductions to the Internet'. Again, the eligibility would be based on not having less than 50% of the students eligible for the free or reduced lunch program. Component number six is a pilot program introductory course in computers and the Internet. This program would create and administer a pilot program in three community colleges in the state throughout the state.

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And for those who would want that, I can get specifics about those communities. And the last component would be a computer assistance grant program which would award grants to needy college students in order to increase the availability of computers through state assistance. I would accept questions at this time."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentlemen from Cook, Representative Parke."

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

Speaker Hartke: "He (sic-she) indicates he (sic-she) will."

Parke: "Yes, Representative, I noticed that it's a three-pronged approach; three different levels of grants that you want to provide."

Howard: "Well, actually, there are seven components of the program that I have spelled out."

Parke: "Do you have any idea how much this is gonna cost the taxpayers of Illinois to implement your program, your Bill?"

Howard: "I do not have a total cost of the program. I know that we have been able to determine cost for some of the components, but I'm waiting for the notes to come in to let me know what the total cost would be."

Parke: "Are you gonna file... request a fiscal note on this when we put it on Third?"

Howard: "There have already been fiscal notes requested."

Parke: "Requested?"

Howard: "Yes, Sir."

Parke: "Okay. Are you gonna hold this until those fiscal notes are filed?"

Howard: "Yes."

Parke: "Okay. I noticed that on one of your programs, the pilot program for the Community College Act, limits who can get

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it and one to a municipality of population exceeding 2 million so I presume that's then for the City of Chicago."

Howard: "Yeah, we're looking at a large city in an urban setting, yes."

Parke: "So there's only one, that would be the City of Chicago and then two, in a county of population of less than 400 thousand, but not adjacent to a county with a population of 3 million. So that means that no collar county can get one of these grants, is that right?"

Howard: "We thought that an urban setting, large municipality, urban setting, a rural setting and also, an urban setting, in say, downstate would be good as pilots for the program."

Parke: "Okay. So let me get this straight."

Howard: "Because we're talking about..."

Parke: "The attempt here really is targeting for downstate and the City of Chicago?"

Howard: "Well, Representative Parke, we're talking about areas that do not have access, for the most part, to computer technology. So that those are the areas that we specified here. We understand that other parts of the state, in fact, do not have the same problem. They are not victims of the Digital Divide."

Parke: "Well, I can appreciate that and I understand. I think, I agree with your second part, but then why should... we should exclude the City of Chicago because they have access to this kind of technology all around them."

Howard: "Well, that is not the case. In fact, the poverty... in some areas the poverty has made the technology inaccessible. In some areas of the state, it is the position of the cities that has made the technology inaccessible, But, no, Chicago should not be. In fact, the statistics that we have that will point out the low or

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no... reduced lunch programs will show that Chicago is one of those cities that has a large number of students that, in fact, are involved in the reduced lunch and no fee programs."

Parke: "And of course, Representative, we have no idea how successful this will be on this program if it were ever to go in force, do we?"

Howard: "Are you speaking of the pilot?"

Parke: "Yeah, this pilot. We have no idea if they're gonna be successful."

Howard: "Well, certainly, we have no idea, but as you know, Representative Parke, this is, the technology is new, but advancing very rapidly. So we are in the process of trying to catch up with it and to make certain that some individuals, who perhaps, would be left behind are not going to be left behind. Obviously, we're talkin' about education and workforce development. That is the key, that we prepare our young people and others to make certain that they are able to qualify for the jobs that the technology arena has now made existent."

Parke: "Well, I have a suggestion then. Since we really don't know how successful this will be, have you thought of putting a sunset on this for three or four years to come back to the General Assembly and give us a report on how successful this is so that in case you want to expand it because certain parts of it might be more successful than others to report back to us as to how we did with this?"

Howard: "Well, let me say this, we're mindful of the time constraints that we have in these last couple of days. I am willing to work with my Senate Sponsor in making certain that those kinds of things that you are concerned about are dealt with."

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Parke: "Well, great. But, you know, when we do all these programs, it makes me uncomfortable to presume that we're gonna exclude the collar counties who, in my area, I have 30% of my population in suburban Cook that's on a hot lunch program in my district so there are needs in my district in suburban Cook County, there are pockets of needs in the collar counties. And it makes me uncomfortable when we try to exclude and cut out parts of the state for advantage or disadvantage. And I understand what you're trying to achieve, but that's just a concern that I have."

Howard: "And I understand that, but there had to be some cut off as to the population that would be included and so we said 50%. I'm not certain that you're speaking factually when you said that there were pockets in your own area where 30% of the young people were getting free lunches. Is that what you said?"

Parke: "Hot lunch program."

Howard: "And we decided that 50% would probably be a good cut-off point to start initially."

Parke: "Well, I do like the part that you've limited no technology center may receive a grant of more than 50 thousand and I like that, in a particular fiscal year and that appropriations for this Section shall not exceed 2 million. I like that you've capped it and I hope throughout this, that you've put caps on so that we can get an estimate of what it's gonna cost and then come back tell us because if this, any part of it, is successful, we ought to expand it..."

Howard: "Yes."

Parke: "...and we ought to know about it..."

Howard: "Absolutely."

Parke: "...rather than keeping it a secret."

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Howard: "I will do that."

Parke: "Thank you very much."

Howard: "Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman... he's declined. Further discussion? Seeing that no one is seeking recognition, Representative Howard, to close."

Howard: "I would just ask for favorable consideration."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #1 to House Bill 4270?' 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 Bolin: "No further Amendments. Notes have been requested on the Bill, as amended and have not been filed."

Speaker Hartke: "The Bill will remain on Second, pending the filing of the notes. House Bill 4396. Representative Bellock. Mr. Clerk, read the Bill. Out of the record. House Bill 4611. Representative Jones. Mary Kay O'Brien, is she in the chamber? Out of the record. House Bill 4320. Representative Cowlshaw... have an Amendment? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4320, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Cowlshaw, has been approved for consideration."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment to House Bill 4320 makes it a shell Bill because we are still negotiating the provisions of that Bill. I have checked that with the people on both sides of the aisle that are involved with the committee

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that heard the Bill in the first place, and it's my understanding that we can adopt this Amendment, advance this to the Senate and continue working on the negotiations there. With the understanding of course, Mr. Speaker, as we all very well know, whatever is adopted to the Bill in the Senate has to come back here for concurrence so we will have our opportunity to vote on it. I would move that we adopt Floor Amendment #1 to House Bill 4320 and move the Bill to Third Reading, if possible."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Amendment. I would also rise in support of the underlying Bill. If you'll take a look at this, I commend the Sponsor. This may very well empower the General Assembly to, once again, having some kind of not pre-eminent, but certainly a position when we pass laws and they are, in fact, signed by the Governor and become law, there is nothing more frustrating than to see a law that may have passed out of this chamber unanimously be delayed month after month after month before we can implement and access the good parts of the law that all of us voted for because the applicable agency may not like the law so they don't write the rules or they take their time or they drag their feet. Now, this has recently happened in my district and will cost the ratepayers of my water company a considerable boost in water rates because while all of you agreed and we passed a low interest loan for privately owned water companies serving communities a year after the Bill went into effect, we have no rules. No way to access the money. So that the water company in my district has had to go out and borrow money at market rate

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and the cost will be passed on to the ratepayer. This is one of the most frustrating things a lawmaker has to put up with and I think Representative Cowlshaw should be commended for getting some peoples' attention and perhaps we can work out some kind of decent compromise, although I would gladly vote for the Bill in its original form, to bring people to the table and say, when we pass and the Governor signs something into law, we expect you to write the rules so that we can access that law in a reasonable period of time and that reasonable period of time is not 12 to 18 months. So I hope you join with the Sponsor and with many of us who have had enough of this and pass this Bill to the Senate and continue to work on it. We've got the attention of some of the agencies and if we have to, we'll continue to get their attention. I commend the Sponsor for bringing this Bill to our attention."

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

Cowlshaw: "I urge adoption of the Amendment. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #1 to House Bill 4320?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 3868. Representative Burke. Amendment #1. Out of the record. House Bill 4396. Representative Bellock. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4396, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Bellock, has

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been approved for consideration."

Speaker Hartke: "Representative Bellock."

Bellock: "I had the Amendment approved in committee this morning, but I'd like to hold it on Second Reading. We're still negotiating on the Bill."

Speaker Hartke: "We can."

Bellock: "Okay."

Speaker Hartke: "Do you want to adopt the Amendment?"

Bellock: "Yes, I'd like to adopt the Amendment."

Speaker Hartke: "Explain your Amendment, please."

Bellock: "The Amendment on Bill 4396 is a technical Amendment to the language as to the hearing process for the office of Inspector General when they are going to place a person's name on the registry. This is for a person who has already been terminated for patient abuse in a mental health facility."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #2 to House Bill 4396?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Let that Bill on Second Reading at the request of the Sponsor. House Bill 3177. Representative Stroger. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3177, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Stroger, has been approved for consideration."

Speaker Hartke: "Representative Stroger. Representative Stroger on the Amendment."

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Stroger: "Thank you, Mr. Speaker. Floor Amendment 1..."

Speaker Hartke: "Representative Stroger."

Stroger: "What Floor Amendment 1 asks the Department of Employment Security to disclose information upon request to the Revenue Enforcement Agency of any municipality within the state."

Speaker Hartke: "Gentleman asks for passage of Amendment #1. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "He indicates he will."

Parke: "Representative, with this Amendment, does this take care of the concerns that the business community have raised as to this underlying Bill?"

Stroger: "I believe the Amendment takes care of everyone but the IMA."

Parke: "Well, Representative, I believe that there was a pretty much uniform opposition by the business community, even with this Amendment. Isn't this Amendment the same as the Bill was last year when it was introduced?"

Stroger: "Yes."

Parke: "And all the business community opposed it at that time, right? So I don't think they would change their opposition now. Anyway, Representative, we, obviously, cannot stop you from adding this Amendment on the Bill. We will deal with it when it becomes presented on the floor for Third Reading."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 3177?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is

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adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. Notes have been requested on the Bill, as amended and have not been filed."

Speaker Hartke: "The Bill will remain on Second Reading pending the filing of the notes. The Chair recognizes the Lady from Lake, Representative Garrett. For what reason?"

Garrett: "Thank you, Mr. Speaker. I would like to make everybody aware that today is Representative John Fritchey's 36th birthday. And I hope you all join me in congratulating him on making it through 36 years. He's one of our most progressive Democrats on this side of the aisle. And happy birthday to you, John and please, feel free to come up front and have a piece of chocolate cake. Thank you very much."

Speaker Hartke: "Happy birthday, John. House Bill 4611. Representative Jones. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4611, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative O'Brien, has been approved for consideration."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1, which was approved today in committee, would become the Bill. And what it does is it creates a pilot program for discovering information receipt. It would authorize the County of Cook and four other counties, circuit clerks offices who would volunteer to do so, to enter into a program by which at the end of each year, for a period of three years, that those employers that withhold pursuant to an income for with... under the Income for Withholding Act, would provide the circuit clerk with a copy of the W-2 form for that

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individual. And the intent is to provide information to a child support recipient so they can make a determination of whether or not there should be an increase in that support. And I would ask for a favorable vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black. Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I apologize for being late to committee, today. I could have asked these questions in the committee. I appreciate the fact that this is a pilot study, pilot program, but I... what is the underlying purpose of having the circuit clerk receive a W-2 form and then forwarding it to the custodial parent and the noncustodial parent? What is the purpose?"

O'Brien: "The intent is... is that too often what happens is that in a divorce proceeding there is a provision in the settlement agreement or in the judgment, if they have a trial, that requires the obligor, whoever's paying support, to turn over any increase or change in income within seven days or to turn over income tax returns or W-2 forms and generally, it never happens. And we have found that, in my own personal experience and throughout the state, that many families receive below the statutory guidelines for child support because of an increase in income. And on the other side of that is when an individual has a decrease in income, often they don't know or they don't have enough money to go and hire the attorney to do the discovery, find out the income, and then proceed forward. So we're trying to streamline that process and to really see if this can

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work and to be helpful to families, which is why we're not creating a mandate, and you know, we put some limits on it to see if this will actually be helpful in increasing amounts of child support without having to go and pay an attorney to do a lot of leg work for you."

Black: "All right. But why wouldn't Public Act 91-655, which was House Bill 421, passed a year or so ago by Representative Winkel, McCarthy, Mathias were the Sponsors in the House, Senator Hawkinson in the Senate. That allows a judge to enter a child support order based on a percentage of the paying parent's income. Why wouldn't you want them to go back to court and have a judge enter the order on the increase rather than having the circuit clerk collect W-2 forms and then send them out? Quite frankly, I've heard from one of my circuit clerks, who is adamantly opposed to this, do not saddle me with any more mandates, paperwork, et cetera. If they think the income has gone up, the law allows for that. Go back and get the court order. Conversely, if the noncustodial parent has suffered a reversal in fortune, go back to court and get the order reduced."

O'Brien: "Well, that's why we did make it mandatory because I've heard from a circuit clerk who thinks that it would actually reduce the number of court cases and the backlog in those court cases. Because what typically happens if you file a petition to modify, then you enter into the discovery process and it requires at least one hearing date before your order to turn over discovery and then after that a second one to make sure that that discovery, which is the income information, is turned over. So now you're at two court dates no less than 60 to 70 days and then you go to a hearing on whether or not there's been a

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substantial change in circumstances. What we want to do here is to see if it is workable to reduce the time in which we are turning over information about income and if it's in the file, the circuit clerk can go ahead and just put it in the file. They can send a letter out, they can say we don't think there's been any change, we think you might have a change in circumstances. Every county that chooses to participate could do this differently. And what we are trying to find out is instead of mandating that all counties do something and that we change the system, want to see, would this work? And so it would be completely voluntary on behalf those counties that wanted to participate."

Black: "I guess, one of the real life situations that I would think of is that in a case like this if you have the ability, not all of us do, but some could simply defer income, transfer certain things into interest-bearing accounts rather than declare it as income and get the interest statements which would not be reflected on the W-2. I mean, if somebody's bound and determined to fudge a little bit, you can certainly fudge on your W-2 to hide income either by interest-bearing accounts, deferring income, going to your employer and getting into the whole question that we've discussed previously, bonuses, reimbursement. I mean, there are ways to get around a W-2 if one is determined to do that."

O'Brien: "Well, that amount, your total amount of income from that employer, whether or not it's taxed as income in that year. For instance, my own W-2 reflects the fact that I have income that I'm not paying tax on because I defer it under the deferred compensation program, but it shows what I was paid and it does... I mean, so the total amount I was

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paid appears on my W-2. It also shows the total amount that I pay tax on which is a completely different animal altogether. Because, as you know, to establish child support it's all income from any source minus those deductions for which you are allowed, 401k contributions are not one of those deductions. But it's still gonna show, for instance, I think, our income is \$53 thousand because I'm not lucky enough to chair a committee or to be in Leadership. So it reflects on my W-2 that I make that much money and then shows that I may have been taxed for a lower amount because I deferred some of that compensation."

Black: "Okay. I look forward to discussing it on Third Reading. Thank you."

O'Brien: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Moore. Ladies and Gentlemen, could we tone down the voices just a little bit. Representative Moore."

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

Speaker Hartke: "She indicates she will."

Moore: "Representative, I'm looking at the requirements for the five pilot programs and Cook County is one and then the next item lists that there should be two counties with a population of at least 650. Did we determine that Lake County is at 650, yet? I thought it was less than 650."

O'Brien: "I don't know where Lake County falls into that."

Moore: "Well, DuPage County would qualify for one of those two counties and Lake is the third largest, but for some reason, I didn't think that it was up to 650 thousand with the population so it would skewer the requirement for your five, according to the population. There might need to be a change because of the way it's set up."

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O'Brien: "I would be amenable to that because what my understanding was that by using 650,000 we captured about six other counties. And if I'm mistaken in that, certainly, when it moves over to the Senate we would ask for them to amend that or do a technical Amendment to it because it was my understanding that that would capture six counties."

Moore: "Well, the, perhaps... No, it won't. There aren't six counties that have population of 650 or more. I think, there are only two, actually."

O'Brien: "Can we ask Steve Davis to move out of the way between us? I'm having a hard time hearing you and if..."

Speaker Hartke: "Ladies and Gentlemen..."

Moore: "Mr. Speaker, could you ask them to clear the aisle, please, because we can't see with debate?"

Speaker Hartke: "Yes. Representative Davis, would you take your chair. Representative Davis. Would you and Representative Slone move to the back. They're having a hard time hearing..."

Moore: "Excuse us, we're tryin' to..."

O'Brien: "Thank you, Steve. Thank you, Ricca."

Moore: "I'm not trying to criticize..."

O'Brien: "No."

Moore: "...your Bill. I'm just trying to make sure that it's technically correct. I think... I don't think that... I think Lake will not qualify so there will only be one county that's available for that county of 650 to 2 million. So you will have one county short in that center category, but I'm not absolutely positive. That's why I wanted to know if anybody here knows the population of Lake County. I thought it was under 650."

O'Brien: "And it was my intention to include the collars..."

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Moore: "Lake and DuPage in that."

O'Brien: "...and I believe, one county down, Metro-East County."

Moore: "Well, the 650 and below would take care of the rest of the state, if they wanted to have it. Those two for the center would take care of the second and third largest counties which is probably a good idea because I think their circuit clerks are automated in a way that they might be able to actually implement this program. I tried to call while you were debating to get with the county administrator, but I wasn't able to do that. Is there any way that you could just... well, this is gonna be on Third Reading, I guess, so I can check in between time to see if it's going to be accurate."

O'Brien: "And in the event that we can get a hard figure for that, we could maybe bring it back, down to Second or do it over. Is he indicating to you that..."

Moore: "Yeah, well, he's just saying what I thought. I thought Lake County's population was 526, actually. But I was calling to see if that maybe it would be qualifying for more than that 650 number with the new census. But we'll work on that while your Bill progresses here and at Third Reading we can address that."

O'Brien: "Thank you."

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

O'Brien: "I would just urge a favorable vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to House Bill 4611?' 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 Bolin: "No further Amendments. Notes have been requested

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on the Bill, as amended and have not been filed."

Speaker Hartke: "The Bill will remain on Second pending the submission of the notes. House Bill 3868. Representative Burke. Dan Burke. Out of the record. House Bill 3928. Representative Capparelli. Out of the record. The Chair would like to recognize the presence of the Director of the Department of Corrections, Representative Donny Snyder. Welcome to the House Floor, Donny. House Bill 2991. Representative Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2991, a Bill for an Act concerning business names. Third Reading of this House Bill."

Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Ladies and Gentlemen of the House. House Bill 2991 has been amended a couple times. It protects in state businesses from deceptive and misleading practices of out-of-state businesses that use the same name that identification call forwarding numbers. Originally, Amendment #2, which passed out of committee with '0' votes against, was agreed upon by Ameritech, GTE, the IRMA and also the Trial Lawyers Association. Approximately, an hour ago the telephone companies contacted me and wanted to continue work on this. It's important that we pass the Bill over to the Senate and allow... so that we can allow for the continued work with those companies. In general, everyone is in agreement with what we intend to do. It's just the wording that needs to be worked out, the legalese with the lawyers and they're supportive of the action I'm requesting of this Body. 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 2991?' All those in favor will signify by

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voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2991, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3868. Representative Burke. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3868, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. Amendment #1 to House Bill 3868 becomes the Bill and it would create the Home Loan Collateral Fund that would be administered by the State Treasurer's Office. What it would provide is access to decent credit from home owners and those applying for home mortgages, making them whole, permitting them to access prime rates rather than interacting with the subprime market. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "...right honorable Danny O'Burke yield?"

Speaker Hartke: "Yes, he will."

Black: "Yes. Representative, the only question I have that I need... perhaps, you can enlighten me. You have a Section in the Bill that literally makes this, should the Amendment pass and the Bill become law, you make this program immortal. It will never disappear because you've exempted

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it from the sunset provision. Existing law says that any fund that we have that is inactive for 18 months or longer will sunset and would have to be re-established and you've exempted this fund from that. I assume it's because you... you know as new treasurers will be elected maybe a new treasurer will come in and say, I don't like this, let it be inactive and then, of course, it goes away. Was it your intent to make this immortal?"

Burke: "That's quite astute of you, Representative, to point that out. And I would suggest to you that the immortal status is probably appropriate in view of the fact that people, we imagine, will continue to buy homes in our state."

Black: "Well, I would hope so."

Burke: "And to continue to participate in our community. So, indeed, I think that's probably something that we didn't know, but I would suggest it might be a valuable part of the legislation."

Black: "Well, I would have no problem with the underlying theoretical base, but if the fund is not accessed for 18 months then it would indicate to me that something is wrong with either the drafting or the implementation and perhaps, it should sunset. But I'll defer to your judgement on that. I remember, I think, it was former President Reagan who once said, 'the closest thing to eternal life you will ever see, on this planet, is a government idea or program.' And perhaps, he was right. And this Bill is further proof of that fact because it has the immortality clause, but who better to carry that, Sir, than you. And I will defer to your good judgement on this and perhaps, the Senate will look at that immortality clause because they are very mortal beings in the Senate, as we know. I appreciate your forthright answer. Thank you."

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Burke: "Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 3868?' 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 Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 1459. Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1459, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Is this the clear cutting Bill, Mr. Hartke?"

Speaker Hartke: "I don't think so."

Granberg: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment doubles the amount that can be expended in a campaign cycle from \$125 thousand per House race to 250; for a Senate race from 250 to 500 thousand. I'd be happy to answer any questions, but this, basically, becomes the Bill. And I'd be more than happy to debate this on Third Reading."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Amendment #1 to House Bill 1459?' 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 Bolin: "No further Amendments."

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Speaker Hartke: "Third Reading. Mr. Clerk, for an announcement."

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 Hartke: "Representative Black, for what reason do you seek recognition?"

Black: "Yes. Excuse me, Mr. Speaker. An inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "On the previous Bill, House Bill 1459 Sponsored by the right honorable Representative Granberg, just so we can keep our files in order, the adopted Floor Amendment #1 we show that he also filed the Floor Amendment #2. Did he withdraw that?"

Speaker Hartke: "Mr. Clerk?"

Clerk Bolin: "Floor Amendment #2 is still in the House Rules Committee."

Black: "Oh, is that why he went back to the House Rules Committee? Okay. All right. So Floor Amendment #2 might, in fact, still be alive."

Speaker Hartke: "Possibly."

Black: "Yes. At least... several immortal happenings here in the last few minutes. Thank you, Mr. Speaker."

Speaker Hartke: "Page 22 of the Calendar appears House Bill 4269. Representative Pugh. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4269, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Pugh."

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4269 speaks to the fact that there are over 80,000 child support orders entered by courts on

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behalf of 200,000 children receiving TANF assistance. In fewer than 20,000 of these cases a payment is being made. One of the major reasons why noncustodial parents do not make child support payments is because they do not have jobs and often they do not have jobs because they have health problems that prevent them from working. None of them has health insurance, none of these problems are treatable and therefore, curable. What 4269 would do would change the TANF and Medicaid laws to include noncustodial parents in the Medicaid coverage the family receives. Illinois will be able to seek a waiver from the Department of Health and Human Service that will cover and provide for a matching grant or matching funds to cover half of the cost of this. This Bill would allow coverage to be available to noncustodial parents whose parentage has been established and who are either paying child support or if they are unemployed, cooperating in supervise job searches and other work activities under the Food Stamp, Employment and Training Program. With health insurance, these noncustodial parents can get treatment, they will be able to receive minor surgery, dental work, eye glasses, medicine or therapy they need in order to make work pay. I'm prepared to answer any questions."

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

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

Speaker Hartke: "Sponsor indicates he'll yield."

Parke: "Representative Pugh, how do we pay for this? Can you tell the Members of the Body how we're gonna pay for this Bill?"

Pugh: "The state would cover the minimal cost of this program which has been costed out at \$4,000,000."

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Parke: "Well..."

Pugh: "The Fed... let me finish. The Federal Government will, under the Medicaid program, will reimburse the 50% of that."

Parke: "Will pay how much?"

Pugh: "We anticipate that the state would recoup, in the first year, about \$4 million if the individuals take advantage of the program and are placed in work-related activities."

Parke: "Well, Representative, I guess there's some confusion here because as you're aware, the Illinois Department of Public Aid opposes your legislation and they have filed a fiscal note that estimates this cost of approximately 70 thousand noncustodial parents will become eligible for your medical assistance, it would cost the state \$82,000,000 for your program. That's what their fiscal note shows. Eighty-two million dollars and whether or not the Federal Government reimburses us or not it's still taxpayer money. Now, the Federal Government..."

Pugh: "Well, Sir, that is a... that's a cost estimate and that's the Department of Public Aid. That is in the event that every individual that is available, that is eligible takes advantage of the program. We anticipate that not every individual would take advantage and also, I might reiterate, that this is based upon a waiver. If there's no waiver, then there's no program. If we don't get a waiver from the Federal Government, then there is no program."

Parke: "Well, Representative..."

Pugh: "And the department can set out its own criteria for implementation. And they can limit the amount of individuals so it... of the program."

Parke: "Well, I can appreciate that you feel that not everybody will take advantage of this, but why wouldn't they?"

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They're gonna have all of the medical expenses to the degree of your Bill taken care of. And if I were a parent, I'd want to access every advantage I could for my children so I would venture to guess that the great majority of the people..."

Pugh: "No, it doesn't. We're not..."

Parke "...would access that."

Pugh: "...talkin' about medical expenses for children that are already on the TANF program. We're talking about individuals who are noncustodial parents who are forced to pay child support, who need to pay child support, but don't have a job to pay child support. We're saying that they're not paying child support because they have these health problems that stops them from seeking employment. We're saying that in order to beef up the amount of money that is coming back to the state in the payment of child support payments that we need to provide opportunities for these individuals to go to work."

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

Speaker Hartke: "To the Bill."

Parke: "Ladies and Gentlemen of the House. I think you need to take a good hard look at this. It's commendable what the Sponsor wants to do. But if they are noncustodial parents, that means any adult, they, in essence, are gonna get free health insurance paid for by you and your constituents and every taxpayer in this state. I think the current program, the way it is, is structured properly. I do not think that we need to spend whatever the amount, that may be little, but it could be a maximum. It could be a maximum of \$82,000,000 more. Now, not too long ago, we had a program sponsored by the other side of the aisle that was gonna cost \$170,000,000. Then we had another program that could

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cost, literally, hundreds of millions of dollars and now, we have another program for \$82,000,000. I just don't know where we're gonna get all this money because most of the Sponsors of this legislation aren't gonna vote for the budget and when they vote for the budget, this won't be in it. And so, therefore, I don't know where all this money's gonna come from. Someday our economy is not gonna be as good as it is now and when we have all of these increased programs, the state is gonna be hard pressed to figure out how to cut programs or to raise significant amounts of money. I want the Body to understand, when you keep putting these huge expansive programs into place, taxpayers are gonna pay for it. And when we don't have the revenue coming in, all of you who vote for something like this will have to make the tough decision of either cutting these kinds of programs or voting for a significant tax increase. That's the only options you have. I would suggest that we don't increase, even though, I understand what the Sponsor's trying to do. This is a huge expansion of taxpayer money and to providing free health insurance. Now, if you like the idea of universal health insurance, this is one big giant step towards that. And I will vote 'no' and I would ask the Body to support that 'no'."

Speaker Hartke: "Further discussion? Seeing that nobody's seeking recognition, Representative Pugh asked the passage of the Bill. All those in favor of the passage of House Bill 4269 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 House Bill 4269, there were 61 Members voting 'yes', 54 Members voting 'no' and 0 voting 'present'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed.
Speaker Madigan in the Chair."

Speaker Madigan: "House Bill 3120. Mr. Biggins. Mr. Clerk, read the Bill. The Chair would like to advise the Members that for today and tomorrow the Chair will put every Bill on the Order of Standard Debate. So please understand, for today and tomorrow, the Chair will put every Bill on the Order of Standard Debate. That means that there will be three for the Bill, three against the Bill and then a close and we'll go to roll call. So Mr. Biggins. Read the Bill."

Clerk Bolin: "House Bill 3120, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3120 is, basically, a shell Bill. It's being worked on now to... in a matter regarding property tax appeals within Cook County and particularly, at the board of review. And we may be anticipating some language later on. Appreciate an 'aye' vote for this shell Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Mr. Skinner. Do you rise as an opponent or a proponent?"

Skinner: "I rise to find out what the Bill does. I haven't heard yet. Is it a shell Bill?"

Speaker Madigan: "All right, the Chair recognizes Mr. Skinner as standing in response. Mr. Biggins."

Biggins: "Yeah Representative, you know, we're currently looking at the repeal process, and particularly in Cook County. Since we created the allowing the taxpayers to appeal to the property tax appeal board, there is an increased demand that seems for appeals within the County of Cook and the procedures that are involved in that process will be under

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review. Also, the Cook County assessor is supporting this Bill because there is procedures in his office he wants and may be included in this as well. But they're working on this now, groups are meeting about this and we don't have any firm language."

Speaker Madigan: "Mr. Skinner."

Skinner: "Am I correct, there is no content to the Bill, at this point? There's just a title."

Speaker Madigan: "Mr. Biggins."

Biggins: "That's correct."

Speaker Madigan: "Mr. Biggins moves for the passage of the Bill. 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', 2 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Holbrook. House Bill 3360. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3360, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. Speaker, what this Bill does on House Bill 3360 is just clarifies in two cases of our current law, that the county is the tax agent, having interest in a property and is acting on the behalf of the other taxing districts. It makes that clarification twice. And in the last item, it allows counties, it's permissive, it allows 'em to use process servers to issue their warrants for back property taxes similar to what's been done in Cook County for the last few years. This was done at the request of the county treasurer in my area and I know of no opposition to the Bill at all."

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Speaker Madigan: "Mr. Holbrook has spoke in support of the Bill.

The Chair recognizes Mr. Cross in a response. Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, can you explain to us and I don't know that or I'm not necessarily asking these questions 'cause I'm opposed to the Bill, but there needs to be some clarification, I believe. When you say that county will act as a trustee, what do you mean by that? What's the definition of a 'trustee' and in what context are we talking?"

Holbrook: "That's nothing more than a clarification of what the current law really does. It states that the county is acting as the tax agent on the property that's owed in back taxes. It's what already exists. It's just a clarification and they'd asked that that be done, put into the law when we made the change about the process servers. They asked that be included."

Cross: "Is there a concern that some of the other taxing districts or taxing bodies within the county may want to pursue this course of action on their own and not let the county act as a trustee?"

Holbrook: "I have not heard that at all. I heard this was just a clarification they asked to get in. I've had no other taxing districts approach me. I don't know of any of 'em that are in opposition. And I don't know of any of 'em that have asked to have any special exception to this. I don't know of any case at all."

Cross: "Does this apply statewide?"

Holbrook: "Yes."

Cross: "So, you're not aware of any school districts or municipalities opposed to this?"

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Holbrook: "None at all."

Cross: "All right. Thanks a lot."

Speaker Madigan: "Mr. Holbrook moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Two people have not voted. Representative Younge, did you wish to vote? Okay. Mr. Clerk, take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Schmitz. House Bill 3986. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3986, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3986 purposes four new measures relating to the Internet. It requires that computer repairmen when working on a hard drive and comes across child pornography on the computer as do the people that work in the photography labs that they would report this to the local authorities. The second item that it would do is expand the forfeiture law if an individual shall keep a place of juvenile prostitution, et cetera. There are certain items under state law that can be forfeited to the state this adds computers, as well. The third item that this Bill does would provide that it's unlawful for a person to disseminate on the Internet any individual (sic-image) of another person in a restroom without their consent. In item four it amends the Sex Offender Registration Act which will include the 'sexual predator' definition to this provision."

Speaker Madigan: "The Gentleman moves for the passage of the

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Bill. The Chair recognizes Mr. Fritchey in response."

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

Speaker Madigan: "Sponsor yields."

Fritchey: "Representative, I laud you for your intentions and I think it's a good idea and I'm sure we're all gonna vote for this. I've got a question. You analogize this to the situation of somebody in the photo shop developing film in which case the offensive material becomes readily evident. If a computer technician though, is doing work on somebody's computer and they're doing hard drive and they're doing work on the hard drive, you're gonna come across a bunch of file names et cetera, et cetera, you're not readily gonna see the underlying images. How do you envision that they would come across illegal material, obscene material, et cetera?"

Schmitz: "In some cases, the repairs that are done on computers, when they do have the screen hooked up and they're doing the repairs on the hard drive and trying to... my computer, when it crashed, they do a complete restoration of the hard drive, these things do come up. I just want to give you a little genesis of the Bill. We held a hearing in my district, just talking about some things that law enforcement's finding out on the Internet and we had testimony in relation to this that some repairmen have come across this type of material on the Internet. And I've got to be frank, we're catching up on some of these issues right now. I can't say that it's gonna happen everyday, repairman's gonna come across it, but it's something we want to get a grasp of."

Fritchey: "I've done a pretty fair amount of work with local police agencies, as a follow up to legislation that I had passed regarding Internet solicitation of minors and the

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impression they would come across on peoples' computers. Again, the concern I have though is, you're not opening up image files, et cetera, when you're doing these types of computer repairs and I don't know if there's not a concern that we might not be giving an incentive for these repairmen to go beyond and start opening up various image files, et cetera, to see what might be there. I guess, nobody wants to take any actions to protect child pornographers, but we also want to make sure that we don't trample on individual rights of privacy of innocent individuals and I'm trying to get a sense of how you see that being balanced."

Schmitz: "All right. I think your point's well taken. It's not the intention of this legislation for the repair people to take that burden on to start going through these... the descriptions on there and start clicking on 'em one by one. If they come across this material, we'd like 'em to turn it in. It is a Class A petty offense up to \$1000 fine, but it's not the Sponsor's intent or the purpose of this legislation to have them go through file by file by file."

Fritchey: "All right. So I guess the... nothing else in this situation would change. If there was a question of why or how they were going through the materials, that could be taken up at the time of whether they were going through files they shouldn't have been going through. And it would always be a battle for another day. So the Bill, and I haven't read the language, and maybe that's the obviously, my fault here. But this simply provides that if they do come across the images, then they have an obligation to do this. And it's not extending any protections to the technicians allowing them to start scanning peoples hard drives. And it's not your intention to extend protections

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to the technicians to allow them to start scanning peoples' hard drives to see what may or may not be on there. Is that correct?"

Schmitz: "Right. It's not the intent that we turn a computer repair person into a law enforcement official. But if they do come across this, we're gonna ask them, under the law, to turn it in."

Fritchey: "We're not trying to deputize them as private investigators and give them some type of immunity to go through peoples' hard drives without repercussions, correct?"

Schmitz: "That's correct."

Fritchey: "All right. Thank you."

Schmitz: "Thank you."

Fritchey: "Thank you for your straightforward responses."

Speaker Madigan: "Mr. Schmitz has moved for the passage of the Bill. 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? Four people have not voted. Have all voted who wish? Three people have not voted. Mr. Schoenberg, did you wish to record yourself? Mr. Clerk, take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The House shall stand at ease for five minutes to permit some repair work on the scoreboard. So Mr. Cross, you can sit down. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 2, 2000, reported the same back with the following recommendations: 'to the floor for consideration' Floor

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Amendment #2 to House Bill 992, Floor Amendment #2 to House Bill 3254, Floor Amendment #1 to House Bill 3383, Floor Amendment #1 to House Bill 3535, Floor Amendment #3 to House Bill 3610, Floor Amendment #2 to House Bill 3649 and Floor Amendment #1 to House Bill 4020."

Speaker Madigan: "Representative Silva. House Bill 1554. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1544, a Bill for an Act regarding medical care. Third Reading of this House Bill."

Speaker Madigan: "Representative Silva."

Silva: "Thank you, Speaker. House Bill 1544 is a comprehensive statewide approach to solving the problem of nearly three million people who lack access to quality health care because either they are uninsured or live in areas where access is a problem. Today, nearly 400 thousand persons who are uninsured receive their care in community health centers. House Bill 1544 proposes to help communities to help themselves by giving them the resources to establish their community health center which they control and operate. Once established, these new community health center access points will be eligible for federal funding through the health resources and services administration, therefore, Illinois can expect to receive a return on their initial investment. However, Illinois is fortunate to have 36 established centers which operate nearly a hundred and thirty primary care sites across the state. They, too, would be eligible for the grant to help them expand either into a new community or expand its services at existing health center sites. For example, health centers may establish weekend hours or additional pediatric or gyne clinics in order to address the shortage of care for a specific populations. This Bill also allows for public

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health departments and physicians to participate 'cause they, too, are a part of the solution to the problem of the uninsured and under served. House Bill 1544 establishes a physician-base model of care for communities seeking to address health care accessibility issues. These health centers are community run, non-for-profits whose mission it is to provide quality health care to anyone regardless of the ability to pay. They provide services, they stress primary and preventive care which has been proven to be cost effective. Services include obstetrics, pediatrics, disease screening, lab, prenatal and prenatal visits, well-child immunizations, oral health and pharmaceutical services. Also, these centers provide other kinds of services such as bilingual and culturally sensitive care, transportation for the elderly, day care services, WIC and nutritional programs. Private physicians and physician groups are eligible to receive the grant as long as they meet certain minimal requirements. Health departments are eligible as long as they provide the services provided for under the terms of the legislation. I would also encourage you to consider this Bill. It's important for many of the families throughout the State of Illinois who are uninsured. And I would urge that you vote and pass House Bill 1544."

Speaker Madigan: "The Lady has spoken as a proponent of the Bill. The Chair would remind the Members that this matter is on Standard Debate. There will be two more people in support of the Bill, three people in response. The following people are seeking recognition; Mr. Winkel, you're a proponent? Representative Mulligan's a proponent. Representative Curry? A proponent. Representative Feigenholtz. Proponent. So we'll only have two more

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people speaking for the Bill. We'll go to the Republican side. Mr. Winkel, shall we start with Representative Mulligan? Representative Mulligan and Representative, we're going to put the five minute timer on."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Silva, I want to thank you for taking this Bill out of the record last week while we straightened out some problems that we weren't sure of what was happening the Bill and I think we've come to some agreement on most of them. I have one question. Would a center that is not a federally qualified health center still be eligible for these grants?"

Silva: "They would be eligible for the grant as long as they follow the intent of the legislation."

Mulligan: "That would make the grants available to many of the people in my area that are already doing it and in many instances, local hospitals are paying for part of this with a consortium of doctors who are doing the work for free, but they would like to expand their services. And so in favor of the Lady's Bill, I think this is a good idea to put 30 million over five years that would help uninsured people and would certainly put money into the community to establish both new centers and to help the centers that are already out there that have put together various pots of money in my... in the instances in my area, different hospitals are the basic funders of the centers. They get public health money, they get individual money. They have doctors that agree to take a cut in fees. They have people that come in that pay something, if they have it, some that have minimal insurance and a lot of people that are uninsured. I think this is a good idea. I would certainly

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like to help the Representative negotiate this Bill with the department and that I think it's a good effort and we should find a good Senate Sponsor, send it over there, do a little more negotiation. I would recommend an 'aye' vote."

Speaker Madigan: "All right. Ladies and Gentlemen. Two people have spoken for the Bill. Mr. Fowler is now seeking recognition. Mr. Fowler, are you a proponent or an opponent to the Bill? Fine. We're only gonna have one more person speak in favor of the Bill. The Chair recognizes Representative Julie Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. I rise in very strong support of this legislation. There's been a center in my district for more than 15 years that is an excellent example of what we can provide to low income individuals who need medical assistance in this state. The Community Health Improvement Center in Decatur which we call CHIC has provided medical service for those who are uninsured and for those individuals who are on Medicaid, but cannot find a doctor in our community to provide medical service for them. In fact, there are many physicians, not only in Decatur, but across this state who aren't very interested in taking Medicaid clients. So this clinic, the CHIC clinic, has been an outstanding service to our community because it provides all those primary health care benefits that we all enjoy on a daily basis, but also makes sure that these individuals are not going to the emergency rooms and spending unnecessary tax dollars in which they can receive benefits from this center. So the legislation that we've proposed here today to provide more funding for additional centers for the expansion of existing centers is so very important to the working poor of this state. And I would urge every, every Member to

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cast an 'aye' vote. Thank you."

Speaker Madigan: "Mr. Hoeft, do you stand in opposition to the Bill? Well, we've had three people speak for the Bill. So 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? Five people have not voted. One person has not voted. Have all voted who wish? One person has not voted. Mr. Clerk, take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Schmitz. House Bill 4072. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4072, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Mr. Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4072 is amending a provision of the Statewide Grand Jury Act to allow the statewide jury to convene, to investigate and indict any sexual offense committed over the Internet. There was a little confusion in the hearing that we had that this Amendment provided for. We cleared it up and the parties that had the question are neutral on the issue now."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Mautino. Mr. Mautino. House Bill 2980. Mr.

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Clerk, read the Bill."

Clerk Rossi: "House Bill 2980, a Bill for an Act amending the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was... the Amendment became the Bill. It was debated yesterday on Second Reading. And what this will do it's a clarification rather than a change in the existing work compensation law and clarifies that a lump sum agreement can contain a clause providing the lump sum settlement will be prorated over the injured worker's life expectancy. What this will do is for some workers the affect of this change is gonna provide a higher combined workers' compensation and Social Security benefit amount. The idea that we're trying to do with this is to simply provide that by going over the life expectancy, we don't reduce the amount of Social Security benefits. And I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Mr. Parke, do you stand in response? Mr. Parke?"

Parke: "Mr. Speaker, I'm going to inquire if there was opposition. Otherwise, if there was no opposition, we'll let it go."

Speaker Madigan: "All right. So the Chair recognizes Mr. Parke in response."

Parke: "Thank you. Does the Speaker (sic-Sponsor) yield? I mean..."

Speaker Madigan: "Yes."

Parke: "Representative, when you presented this in committee, it was late. Did anybody speak against it or have you, since that meeting, have you heard anybody in opposition to

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this?"

Mautino: "No. And as a matter of fact, there are no opponents. I have passed this Bill on to the insurance industry, members of organized labor and the Trial Lawyers' Association. They're all in favor of the Bill. No problems with it."

Parke: "Thank you very much."

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 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. John Jones. Mr. John Jones. House Bill 4253. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4253, a Bill for an Act in relation to transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Jones."

Jones, J.: "Thank you, Mr. Speaker and if I may, I'll defer to Representative Mike Bost because it's his Amendment that became the Bill."

Speaker Madigan: "Mr. Jones, I'm sorry. I missed your statement. Mr. Jones."

Bost: "Thank you."

Speaker Madigan: "All right. Mr. Bost."

Bost: "Thank you, Mr. Speaker. Floor Amendment #1, actually, became the Bill and it is a combination of two Amendments that both Representative Granberg and myself worked on to help the downstate mass transit districts. Basically, the part of the Bill that we worked on it required that before there was a cap of 10% increases that these transportation districts could receive yearly. Except for the fact that

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when this was first installed, the new transportation districts had already been through their second year. That cap will not allow those transportation districts to grow at the rate they need to in that first year of forming and this simply removes the cap and allows that downstate district or that part of the Amendment so that those districts can go ahead and grow to the point they need to to be able to provide the transportation necessary and access those funding sources. Representative Granberg's part, I've not seen him in the chamber, but I can explain that it actually increases many of the downstate districts and the counties that were affected are Jackson, St. Clair, I'm going off... Wills... I'm sorry, there were three others. And basically, what it does is it allows a 75% funding instead of a 55% funding. It's... I'd be glad to answer any questions I can."

Speaker Madigan: "Mr. Bost has stood in support of the Bill. Mr. Giglio. Do you rise in support or in response?"

Giglio: "In response, Mr. Speaker."

Speaker Madigan: "In response?"

Giglio: "Well, I think I'm in support of the Bill. I have a couple questions."

Speaker Madigan: "Okay. We'll recognize you in response, Mr. Giglio."

Giglio: "Thank you. Representative, is there any cost to this?"

Bost: "Yeah. The estimated cost by the Department of Transportation, as written, is 1... the estimated cost was 1.1 mil."

Giglio: "Is there anyone in opposition to the Bill?"

Bost: "The Department of Transportation was in opposition to the Bill, yes."

Giglio: "Are they... what position do they have now?"

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Bost: "Well, their concerns are the budget process is already going through and this was not included in that process so they may have to, you know, figure out where they're gonna come up with those funds or where those funds will be shifted from. Also, their opposition was the concern that later in the future they might come back with other Amendments which would cost them more."

Giglio: "So their position now is..."

Bost: "They are still opposed."

Giglio: "Oh. They are still opposed. Okay. Thank you. Thank you, Mr..."

Speaker Madigan: "Mr. Bost has moved for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? One person has not voted. Mr. Clerk, take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Fowler. Mr. Fowler, what's the number of your Bill?"

Fowler: "(sic-House Bill) 3854."

Speaker Madigan: "3854, Mr. Clerk, read the Bill. This Bill will be on unlimited debate. Read the Bill."

Clerk Rossi: "House Bill 3854, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Fowler."

Fowler: "Thank you, Mr. Speaker. Basically, what House Bill 3854 states, it provides that a school board may allow teachers and administrators to read or post certain historical documents, writings and records. It does prohibit content-based censorship of American History, or heritage based on any religious references contained in any of these documents, writings and records. And I'm prepared to

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discuss the merits of this piece of legislation."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. Mr. Persico, are you seeking recognition? Mr. Persico?"

Persico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Persico: "Representative, this Bill came through Elementary and Education Committee, I recall that. What exactly are you trying to do with this Bill?"

Fowler: "Representative Persico, shortly after the current school year began in my county, one of the local schools of the board voted to post historical documents, which at that time was limited to the Magna Carta, the Constitution and the Ten Commandments. The American Civil Liberties Union stepped in and they threatened legal action on this because of the Ten Commandments. The board had voted to post that by a vote of 4 to 3. As a result of this threat, they then voted by a 4 to 3 vote to rescind that. What I'm hoping to do here is to clarify what the schools may do. And I want to emphasize this is a 'may' Bill, it is not a 'shall'. It still leaves the local control to the local school boards."

Persico: "So, in other words, you're saying you're doing this in the response to a problem that you had in your district, and you're mandating that all school districts throughout the State of Illinois do this then?"

Fowler: "That's correct, but it still does leave... it still leaves it up to the local school boards in each of the school districts throughout the State of Illinois."

Persico: "Okay."

Fowler: "Again, it does not mandate, it is a 'may' Bill, and not

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a 'shall' Bill."

Persico: "It's a 'may' Bill. Did you change that or was it always a 'may' Bill?"

Fowler: "It's always been a 'may' Bill, yes, Sir."

Persico: "I see here in the analysis, that it's 'any historical document'. Have you found that there's been a problem, other than maybe displaying the Ten Commandments, that there's been a problem displaying the United States Constitution, or the Magna Carta, or the Mayflower Compact or anything else like that, throughout the school districts?"

Fowler: "I missed the main part of your question, Mr. Persico."

Persico: "Has there been a problem, or is this a perceived problem, that school teachers are not allowed to post the Constitution or the Magna Carta or the Mayflower Compact, all of which have reference to God in it, has this been a problem throughout the school districts in Illinois?"

Fowler: "It was not a problem until this issue came up."

Persico: "So, none of these documents have been a problem other than posting the Ten Commandments. Is that correct?"

Fowler: "That is correct."

Persico: "Does this allow... does this mean that if a school district decides that this would be desirable in their particular school district, that every teacher display the Ten Commandments? Does a math teacher have to display the Ten Commandments, does a science teacher, health teacher, PE teacher? Are they all required if the school district then, you know, using your Bill as the impetus to display the Ten Commandments, do they all have to display it?"

Fowler: "No, Sir. Representative Persico, going back to the situation in my school, those were posted, those three documents, in the principal's office. It's not the intent

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of this Bill, or my desire, that they have to be posted in every classroom. Again, these were just posted one place within the school building there."

Persico: "But if a social studies teacher, let's say has, and the school district or school board decides that it is desirable, a social studies teacher could display the Ten Commandments?"

Fowler: "They could, that is correct."

Persico: "All right. Is there a requirement on how long the Ten Commandments must be posted? Do I have to... for now like example, when I teach the Civil War, I do bulletin boards on the Civil War. But when the Civil War is over, I take down and put a new bulletin board up for the next unit that I'm teaching. If I displayed the Ten Commandments, am I required by your Bill to display it all year long?"

Fowler: "No, the Bill does not cover the time frame. Again, this would be under the permission of the school board and at the same time the school board could vote to take them down when they so desired."

Persico: "So a school district, you're saying, if they do desire to do this, at least they have to display it in the principal's office, is that what your saying?"

Fowler: "That was the... what had happened in my local school that I just discussed earlier, it was in the principal's office."

Persico: "Do they then get to take that down whenever they feel like it, I mean, if they only had it up for ten minutes or fifteen minutes, or is the principal's office in your school district, were they going to display it all year long?"

Fowler: "Well, again, this decision would be left up to the school board. As far as the time frame, as far as the

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place within the school that they could post those. I'm not sure if that answers your question or not."

Persico: "If I decide, or if my school board decides that it's okay to display the Ten Commandments and I display that in my social studies classroom, and maybe I'm teaching about Europeans coming over to America and the Mayflower Compact and the Puritans and so on, and I'm displaying the Ten Commandments. If a student asks me questions about the Ten Commandments, am I supposed to get into a discussion, as a school teacher, on the Ten Commandments? Or you know, right now I'm allowed when I'm talking about units like that to do comparative religions et cetera like that. But if a student asks me a question, am I supposed to give them my philosophy or my answer on the Ten Commandments or how am I supposed to handle that?"

Fowler: "Representative Persico, going back to the Bill, it just says, 'a school board may allow a teacher or administrator of the school to read or post.' It doesn't say they have to go into any lengthy discussion regarding the contents of that. And I might add, too, that nowhere in this Bill, nowhere was the word 'Ten Commandments' ever used. That is..."

Persico: "Your analysis of the Bill, or what you were trying to get, because of a problem in your district, you are saying that the Ten Commandments 'will' become part of this Bill."

Fowler: "If the board... again if the local school board so desires. The news media... excuse me... the news media has made the Ten Commandments issue out of this Bill."

Persico: "Well, let me ask you this then, Representative. If the Ten Commandments was not part of the concern or problem in your school district, would you have brought forth this piece of legislation under the guise that it's all

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historical documents? Would you have been concerned that we weren't displaying the Mayflower Compact or the Magna Carta or whatever?"

Fowler: "Well again, this Bill was not brought forward under the guise of anything other than just what it says on the paper here. It's not an effort to go in around the back door, to circumvent any other laws or any other court decisions."

Persico: "How do... do you feel that this will pass constitutional muster, that if they are displayed, if the Ten Commandments are displayed, that it will pass our Constitution, Illinois and Federal Constitution, on separation of church and state?"

Fowler: "It would be my hope that this Bill would pass out of here today, it would go on to the Senate and eventually be signed by the Governor. If the ACLU or any other organization wishes to contest this in court of law, I have no problems with that. If they again rule that it's unconstitutional, so be it. The State of Indiana, on the 24th day of January, passed a Bill in the Senate, it's pending in the House over there, by a vote of 38 to 9. But their Bill was a specific, it's specifically limited to the Ten Commandments."

Persico: "One last question then, Representative. Are there any other states, other than Indiana, which just recently passed it, because I did read it in the newspaper, any other states in the United States have passed this kind of legislation and has it been taken to court yet, if they have?"

Fowler: "Not that I am aware of, but it is pending in some other states; Colorado, Florida, Georgia, Kentucky, Mississippi, Missouri, Oklahoma and South Dakota."

Persico: "Thank you, Representative. To the Bill. The

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Representative, I believe, has good intentions for a district that he has, you know, that it was a problem in his particular school districts. I don't believe that every person in his school district would have also agreed with this particular Bill. But this is a perceived problem under the guise, at least in the way that I feel, of displaying historical documents and I would ask a 'no' vote on House Bill 3854."

Speaker Madigan: "Mr. Woolard, Mr. Woolard."

Woolard: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The previous speaker was very emphatic in his position that he believes that he's going to vote against the Bill this time and I appreciate everyone's right to choose how they vote on any Bill. I think if he'd looked the last time this Bill was before us that maybe he chose to vote a little differently at that time. And that's everyone's prerogative, there's no question. In looking around the area of Southern Illinois and the area that Representative Fowler represents and the area that I represent, and this does not reflect the feeling of all of the people of Southern Illinois. It does not reflect the feeling of all of the people of this entire state, but I can honestly say that we're in the heated battle of a political season in Southern Illinois. And there's all kinds of signs in yards as you travel down the roads. And some of those signs probably have a name that's very familiar to me listed on them and some probably even reflect my opponent. But the most prevalent sign in the yards of the people that we represent is the sign that says the Ten Commandments are important. It's the sign that says, 'give us the opportunity to display what we believe is right and good.' It's the sign that says historical

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documents are important to each and every one of us. And I can honestly say, and you know, I'm a candidate in this upcoming election, that there's probably ten times more of those signs than there are mine, in my district. It doesn't mean that the overwhelming majority support them more than us. But it does mean that the area that Jim Fowler comes from has a distinct belief that this is important that we allow the school districts the opportunity to participate by displaying something that they think is important. And I believe that, in a voluntary matter such as this legislation allows, it's something that we should all be about in recognizing that this is important to some areas of the this state. This is important to some people in this state. And we should give them the opportunity to do what they believe is right and good in their region. I stand in strong support of first Representative Fowler, but secondly the concept that 3854 is putting forward."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Fowler, you answered Representative Persico that if you felt if the ACLU or someone wanted to sue, that would be all right. I would think that that's a very good possibility, but my main question is, if they had objections and you don't care if they sue, why were they not allowed to speak as opponents? And no opponents were allowed to speak in committee, on the day this Bill was presented. I certainly think that would add to any lawsuit that they may have because no opponents were allowed to speak, even though there were slips put in, and they were excluded from being allowed to speak against this Bill."

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Fowler: "No Ma'am, Representative Mulligan, nobody that wished to speak on the day that this was heard in committee was denied the right, to my knowledge, no one appeared to... in opposition to this Bill."

Mulligan: "That's not so. There were opponents' slips put in, particularly from the ACLU, and they were not allowed to speak that day in committee. How can you then go ahead with this Bill, without ever letting the opponents speak? Not only that, we stood there with an open roll call for a long time before you got enough votes to move this Bill out of committee. That does not speak well, I don't think, for any future problems this Bill may have in the course of any kind of lawsuit, if it were to pass both Houses and the fact that it is particular to just your area. If I wanted to run on a election issue, I'd come and ask everybody to pass a Bill that put all the flooding money in the state to go into my district. I don't think that that's fair to ask of the Body, so I would not do that. On the other hand, you're asking, as is the previous speaker, for us to give you something that is out of the norm of what we do in the Illinois School Code, and yet you would not let the opponents speak in committee."

Fowler: "Well, Representative Mulligan, as you know, I am not chairman of that committee. It was not up to me to allow or disallow any opponents to it, but again, I repeat, I was not aware of any opposition to that Bill at that time, other than from the State Board of Elections (sic-Education). They had one problem with the original Bill, that was the result of Amendment 1. That Amendment was approved, and the State Board of Education then became neutral on that Bill at that point."

Mulligan: "There are any number of opponents, but I know for a

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fact that IFT, ED-RED, ACLU, The Jewish Federation, South Cook Organization for Public Education, Large Unit School Districts, LUDA, IEA and the American Jewish Committee were all opponents to this Bill and that the ACLU signed in against this Bill and was denied the opportunity to speak against it in committee. I don't think that speaks well to how the Bill got out of committee, nor do I think that it would be fair to assume that the state would prevail in any lawsuit brought if this Bill were to pass, which would only cost us additional money. Also, you're speaking to the Ten Commandments, but it's my understanding that this Bill would open the door to a whole host of documents, not just the Ten Commandments. There are many of us that have no problem with Ten Commandments, assuredly, we would hope that those would be the values that would come across in school, but there is a problem with many different groups about posting them, per se, as a religious document, which we have never done in Illinois in that way. And although it may help you in your district, I don't think it's a good policy for the whole state."

Fowler: "Representative Mulligan, I might add that one of the proponents of that Bill was the Pro-Family Network of Chicago Public Schools. They had a witness slip in on that but they did not request to testify on the merits of the Bill."

Mulligan: "One of the proponents, but there are many more opponents that represent, I think, a larger body of people across the state. Now, not that we wouldn't like to help you with your election, but I don't think it's a reason to change the School Code in order to do that. And I think that your strong sponsorship of this Bill would certainly accomplish what you're trying to accomplish, but I don't

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think it is fair to pass this Bill and put the burden on the state to later perhaps, defend it, particularly when the opponents were not allowed to speak, and therefore I would urge a 'no' vote on your Bill."

Fowler: "Thank you, Representative."

Speaker Madigan: "Mr. Fritchey."

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

Speaker Madigan: "Sponsor yields."

Fritchey: "Representative, what is your understanding that this Bill would do, that present law does not do right now?"

Fowler: "It was my hope, Representative Fritchey, that this would clarify the point, so... and again, going back to my local school board, first they voted to post these documents and then they voted to withdraw them. They did not know what they could do or what they couldn't do. It's my hope that, through this legislation, it clarifies it so the school boards, not only in my district, but throughout the State of Illinois, knows where they stand legally on this decision."

Fritchey: "We're not talking about multiple documents though, we're talking about a specific document, correct?"

Fowler: "Specific document?"

Fritchey: "Uh huh."

Fowler: "No, Sir."

Fritchey: "There was not a issue... they didn't know whether or not they could post the Declaration of Independence, is that correct?"

Fowler: "They had the three documents posted, and as a result of the threat of legal action, they took down all three of them. And again, this Bill just gives local control to the local school boards. It's a 'may' Bill, it's not a 'shall' Bill."

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Fritchey: "What in current law would lead you to think that they cannot presently post the Bill of Rights?"

Fowler: "The religious references in regards to historical documents."

Fritchey: "Wait, can you repeat that please?"

Fowler: "The religious references in regards to historical documents."

Fritchey: "In the Bill of Rights?"

Fowler: "Yes, our national motto says 'In God We Trust' and I hope that today we still do."

Fritchey: "So it's your position that the schools do not believe right now... that they think that there is... well let me... has there ever been a challenge, as far as you know, in your school district or elsewhere, on a school's ability to post the National Anthem or the Bill of Rights or the United States Constitution?"

Fowler: "If there has been, I'm not aware of it, no."

Fritchey: "But there has been questioning as to whether or not they could post the Ten Commandments, correct?"

Fowler: "That is correct."

Fritchey: "Your Bill would give these... give a school the authority to post religious documents from one religion to the exclusion of another religion, is that correct?"

Fowler: "No, Sir. It does not specify religion. I have learned that, and again, back to the Ten Commandments that there's a Protestant version, there's a Catholic version, there's a Jewish version of it. And they would be free to post any or all of these."

Fritchey: "That's... they would be free to choose which, if any, religious documents they would post."

Fowler: "Yes, any or all of them."

Fritchey: "So they could decide to post the Ten Commandments, but

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not to post writings from the Koran."

Fowler: "That's correct, that would be a local decision by the local board."

Fritchey: "And by posting that, they would be free then to post writings that would ostensibly promote one religion over another, wouldn't they?"

Fowler: "That's not the intent of this piece of legislation."

Fritchey: "I didn't ask if that was the intent, but that would be the affect."

Fowler: "That again, would be a decision of the local board."

Fritchey: "Correct, but they would be empowered to post religious writings from, such as the Ten Commandments over those from other scriptures or other religions."

Fowler: "That could conceivably happen."

Fritchey: "And in fact, it was the desire to post the Ten Commandments that was the impetus of this. Representative Woolard, who I have as much respect for as an individual as I do as a Legislator, spoke that the signs that are up throughout the district are not historical documents are important, or religious documents are important, it's... the Ten Commandments are important and I very much respect and applaud the sincerity of the residents throughout the state or throughout this country or anywhere to advocate their beliefs. But what is the impetus behind this is they want to be able to post the Ten Commandments in their school and they're doing it under the guise of calling this a historical document rather than a religious document. Is that correct?"

Fowler: "It could be, and again, I don't..."

Fritchey: "Jim, please, I am not assailing your personal motivations or intentions, whatsoever. This is a very, very important issue when we discuss the concept of

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separation of church and state. And when we take a piece of legislation that would enable a school to not only post religious documents, but to selectively post religious documents of one religion over another. So this... it's being driven by the Ten Commandments, in your district, at least. A lot of us come down here and we carry Bills for people in our district and the people in your district said, 'Representative Fowler, introduce and pass legislation that will allow us to post the Ten Commandments in classrooms.' Isn't that correct?"

Fowler: "What this legislation would do would be allow them to post historical documents where determined by the local school boards. And again, John, there's nothing in the legislation that mentions the Ten Commandments. The Ten Commandments issue, has been made an issue by our news media. They referred to it time after time as the Ten Commandments Bill."

Fritchey: "But it's the public at large as Representative Woolard said, the signs are everywhere, the Ten Commandments are important, we want to put the Ten Commandments up in school. We don't want to have the ability, or we don't want to be required to put all religious documents up or we don't want to rotate them week after week from one religion to the next. We want to say that in this school, we are posting the Ten Commandments. They don't have a question as to whether or not they can post the Constitution. They don't have a question as to whether or not they can post the Magna Carta. They want to have statutory authority to post the Ten Commandments, isn't that right?"

Fowler: "No, I don't agree with you there, John, no. You know, and again back to the Bill, it just says 'There shall be no content-based censorship of American history or heritage

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based on any, on any references contained in these documents, writings and records.'"

Fritchey: "What if a family down in your district, what if you had a Jewish family down in your district and they said, 'We would like certain Jewish writings posted in this school.' And the school board would have the authority to say, 'No, we don't want to post it.' Now, under this Bill, they would have the ability, if it was a historical document, and I apologize for how I'm standing, it's the only way you and I can see each other, but they would have the ability, if this passed, if it was a historical document, they would have the ability to post that document, but they could choose not to. They could say, 'No, no, no, you know what? We can post whatever historical documents we'd like to and we want to post the Ten Commandments, but we don't want to post historical documents pertaining to other religions.' And they'd be free to make that determination under this legislation, wouldn't they?"

Fowler: "John, in response to that, let me say this, if I thought for a minute in introducing this legislation, and saw it passed, that any of our schools would show preference to one religion over another, I would not have anything to do with this. That is not my intent to promote any particular religion."

Speaker Madigan: "Mr. Fritchey, could you bring your remarks to a close?"

Fritchey: "Yes, Sir, Speaker. To the Bill, Speaker. Ladies and Gentlemen, and I realize we've lost your attention along the way here. I hope people are paying attention to this Bill. Depending on the time of day and depending on the time of Session, these types of issues garner more or less

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attention from this Body. The Bill that's before us right now is a very, very important piece of legislation. You may be adamantly in favor of it, you may be adamantly opposed to it. I would suggest that you understand what it is that you are voting on. I think there are serious questions as to the legality of the Bill, but that's here nor there. Keep in mind, if you are in the minority in a district, if you are in the religious minority or if you are in any minority in a district, and that district will have the ability to favor a certain set of beliefs over another. This is not about posting historic documents. This is not about posting old photographs of, you know, downtown Chicago in the 1940's. This is about, 'should a school be able to post the Ten Commandments?'. I'm a Catholic, the Ten Commandments are a guiding document in my religion. However, that doesn't mean that I believe that schools should have the ability to do that. I don't believe it's a decision that we should be making in this Body. I don't believe that we have the ability to do that through the front door, nor do I believe we have the ability to do that through the back door. Keep in mind, that what we're doing here, keep in mind that what this Bill actually intends to do. I do not fault the Sponsor. He is being very responsive and very dedicatedly so to his constituents. But do not allow the proponents of this Bill to take a back door approach to what they can't do through the front door. Thank you, and I urge a 'no' vote."

Speaker Madigan: "Representative Bassi."

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

Speaker Madigan: "The Sponsor yields."

Bassi: "To the Bill, Mr. Speaker. I have major concerns about

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this particular Bill, having served on a school board for eight years. My concern goes not to the Ten Commandments, which happens to be a major part of my religion, and a major piece of my background and my faith, but about the idea of posting this particular document, which is strictly about religion, in a public school. Because my concern with that is, is that once that particular document is put into a school building, are we then going to allow the Koran to be posted, Mein Kampf, the Tenets of Wicca, which is the teaching of witchcraft, or the Robert Sherman Atheistic Tenets? Once you post one document that purports to be strictly religious, you then have to look at the other documents that are there. The other question I would have is, 'Which set of the Ten Commandments would you post?' The Christian numerical Ten Commandments, or the Jewish, which do not happen to have the same numbers that are there. I think it poses severe problems, most of what has happened with this attempt before has landed in court. It is highly litigious in nature, and the law in the State of Illinois, already allows us to teach about religion. That is legally sanctioned. But promoting one particular religion, which the posting of the Ten Commandments would do, is not allowed. And I strongly urge a 'no' vote. Thank you."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. A question if the Sponsor. Will he yield?"

Speaker Madigan: "Sponsor yields."

Schoenberg: "Mr. Fowler, which version of the Ten Commandments would be posted in a classroom if a school board opted to do so?"

Fowler: "Well, Jeff, I think I stated earlier, I realize that

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there's three different versions of the Ten Commandments, and regardless of what order they come in, I think the basic message is there. And again, if I thought that any school board would show preference over one or the other of this, I would not have anything to do with this legislation. I'm not promoting any specific denomination or religious beliefs. I would not attempt to do that."

Schoenberg: "Mr. Fowler, you indicate you're not advocating any specific denomination or beliefs, but there are inherent differences between denominations and beliefs and what keeps our democracy vibrant is the fact that different denominations can practice their beliefs equally. And what facilitates that, what makes all that possible for different denominations to practice their beliefs, is by taking this out of... taking religion out of government-sanctioned settings, like school districts. Mr. Fowler, to the Bill, Mr. Speaker. Mr. Fowler, you've indicated that you hope that this will provide some clarification for school districts that wish to post historical documents like the Ten Commandments in their school districts. There had been some confusion, as you indicated, I believe, as to whether or not this was possible, but in 1980 the United States Supreme Court made it abundantly clear that Bills such as this were unconstitutional. The Supreme Court, in throwing out a law that was imposed in the State of Kentucky said, and I quote, 'If the posted copies of the Ten Commandments are to have any affect at all, it will be to induce the school children to read, mediate upon, perhaps to venerate and obey the commandments, which is not a permissible state objective under this establishment clause.' So, there really is no confusion, Ladies and Gentlemen, about what

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the Harrisburg School District, or any other school district in the state can do. The United States Supreme Court has ruled on this issue already and there's no gray area. I hate to sound like it's a cut and dry issue, but the United States Supreme Court has already given us the guidance that we need on this issue. Mr. Fowler, what I find equally troubling about this, is that in earlier comments from yourself and Mr. Woolard, there was an appeal to all of us that we needed to be supportive of efforts to enhance education in your community, in your region of the state. And I can tell you that on enumerable occasions, most notably, when former Governor Edgar came before us to ask us to revise the school funding formula, specifically, so it would help districts such as those in Southern Illinois, which have no property tax base, I put my career on the line to support that. There was no clear cut economic interest in my school districts to do that, but recognizing the value of education throughout the state, I did so. And I was willing to do so because I understood how it benefited the greater whole. But this does not benefit the greater whole. This is divisive and it has a chilling effect on those who are not of the majority faith in a community. And regrettably, there's no way around that. And when we in government get into the business of sanctioning a particular, theological viewpoint we are seeking out of our best intentions perhaps, to elevate the moral climate in our communities, but in essence, what we're doing is, we're telling those who are not part of the majority view in our... the majority religious denomination in that particular community, we are telling them, 'Your faith, your theology, your value system is not on the same moral plane as that which we are advocating.' And that's

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un-American. Forget about its constitutionality, that's un-American. That speaks out against the very underpinnings that have upheld American democracy, not just in Illinois, but the rest of the country. This is an area where there is no room for dispute. This is an area where your school district, as well-intentioned as they might be to try to elevate the moral climate in a community, doesn't have to go very far to see what they can and cannot do. The United States Supreme Court, because it wants to preserve morality, because it wants to preserve faith in our communities, because it wants to preserve the sacred individual right to practice their faith as he or she sees fit, the Supreme Court, to protect all of us, has already spoken out on this issue. And that's why, I believe, that this is misguided, it's divisive, it's unconstitutional and I would urge my colleagues not to support this measure. Thank you."

Speaker Madigan: "Mr. Scott."

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

Speaker Madigan: "The Sponsor yields."

Scott: "Jim, I know you were going through this a little bit with Representative Fritchey, but I couldn't quite hear all of it. But my question is, on any of the one through ten, any of the examples of things that a school board could allow to be posted under this Bill, has there ever been a case, anywhere in any school district in Illinois that you can cite us, where a teacher wasn't allowed to do that?"

Fowler: "Not to my knowledge, no."

Scott: "I guess this is part of the problem that a lot of us are having with it. I mean, I went to public school in Illinois and I don't think my education was all that different than anybody else's that went to public school."

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I mean, I learned all those things in school, in public schools, right here in Illinois. They taught me all those things. Not only that, but I was taught a class on world religions when I was in middle school in Rockford. It was a great class, I mean, it was something that I really enjoyed, I really learned a lot. There's nothing right now that would stop anybody from doing any of this, is there? I mean, what would prevent any school district right now from doing anything that you suggest in one through eleven in your Bill?"

Fowler: "Okay, again the three documents, Representative Scott, that was posted in this particular situation I've alluded to earlier, was the Magna Carta, the Bill of Rights and the Ten Commandments. Now, as you asked me earlier, I don't know of any situations where there's been any previous cases where they were denied..."

Scott: "Right."

Fowler: "...their right to post any of these, except the Ten Commandments. And as Representative Schoenberg mentioned awhile ago, the 1980 Kentucky, the Supreme Court decision involving the State of Kentucky, I might add that the Kentucky law at that time required, it required the posting of copies of the Ten Commandments on the walls in the public schools."

Scott: "Well right, and of course they struck that law, they struck that particular law down. I mean, that's part of Representative Schoenberg's rationale of why this is going to end up being unconstitutional, because that law ended up getting struck down. Go ahead."

Fowler: "But again, this here Bill, my piece of legislation, does not require that they post any of these documents. It gives them the legal right to do so should the school board

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vote, say yes. And again, we're not sanctioning any one religion over another with this proposed legislation."

Scott: "So if there was a proposal that somebody read into the Congressional Record, which has probably happened, I would be willing to bet not too long ago, statements from somebody that we could, most of us could, pretty much all agree was a despised public figure, a Hitler, a Matt Hale, or somebody like that, that under your particular Bill, that would still be a request that could be made. Leave the parts that... I mean, I'm a Lutheran, I mean, we understand that. Leave the parts out of that that most of us, that most of the people in Judeo-Christian faith subscribe to, leave that out and just go to somebody else who's maybe reviled in society. That's still a request that would be made under your Bill, right? If it was read into the Congressional Record somewhere?"

Fowler: "If it was requested, and again, it would be up to the local board to make the determination on it."

Scott: "Okay. And here gets to be the question, what guidance do you give the local school board, and we can't just say it's a local control matter because you're telling them certain things that they can and can't do in here already, so it's not a total local control matter, but what guidance do you give them, with respect to decisions that they make whether to allow the Congressional Record where somebody talks about Matt Hale, or reads something from Mein Kampf into the public record, what do you give them to say you deny that one, but approve the Ten Commandments?"

Fowler: "Okay, just to correct one thing, if I understood you correctly. You made the statement that there's certain things they can do and they can't do. And again, under this legislation, I don't know of any restrictions on what

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they can do and can't do, Representative Scott."

Scott: "Well, how did you come to the ten things that you've got in the Bill?"

Fowler: "Okay, that's the point I'm trying to make, it's not ten things. Originally, the Bill was, but the Amendment to that, and the Amendment was brought about by a concern of the State Board of Education, which stated in the Amendment, 'but not limited to the above'."

Scott: "Okay, Okay. Well, how did you come, I mean, that's fine and I understand that. How did you come to these particular things, these particular documents? I realize that's not the exclusive list now, but how did you come to those, to that list?"

Fowler: "Just the religious references, or to the whole, the whole list?"

Scott: "No, the whole list. How did that, how did that come..."

Fowler: "Well, that's some of our more famous historical documents, there."

Scott: "But I mean, there are literally thousands of famous, historical documents so..."

Fowler: "Right, and that's why the inclusion was put in there, 'but not limited to'."

Scott: "Okay."

Fowler: "You talked about who would decide, you know we have seven people elected to our school boards, seven people that the people in the community have faith in, to make the right decisions. It would certainly be my hope, that that seven-member board, and I'm sure it's made up of different political parties, people of different religious beliefs and various other things, that they would use their judgement in making these determinations."

Speaker Madigan: "Mr. Scott."

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Scott: "Sure, now let me bring my remarks to a close and speak briefly to the Bill. Thank you, Speaker and thank you, Representative Fowler. The problem here is that we're talking about something that's different than what the Bill says, because the Bill on its face... we really don't need it. Because there isn't a problem right now, there's never been a recorded case that any of those items that are listed here in the Bill, recognizing that's not an exhaustive list, but none of those have ever been denied. Indeed, I imagine all of us looked at those and studied those when we were in school. In the Stone case that Representative Schoenberg cited, there's a problem when you get to just the recitations from the Congressional Record. In that particular case, they said, 'No legislative recitation of a supposed secular purpose can blind us to the fact that the Ten Commandments are undeniably a sacred text in Jewish and Christian faith.' So what they're saying, if you look at that language, is it's not just the fact that the law mandated that they be posted, but you don't get around it by doing what this Bill tries to do, by reading it into the Congressional Record or into another publication. And the problem is, aside from everything else, the problem that you're doing is you're setting school districts up for a tremendous amount of litigation here. So, for those of you who don't want to get involved in the constitutional niceties of it, you're setting school districts up for a real problem. Because what will end up happening is, the first time they deny somebody that 4 out of the 7 members on Representative Fowler's school board don't, doesn't meet their muster of what ought to go, even though, it was read into the Congressional Record just like the Ten Commandments were, the first time they do that,

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they're going to have a lawsuit on their hands. There's no guidance in this Bill for the rules that they're supposed to use to differentiate between one and the other and all you're doing is setting school districts up for a lot of litigation. I may be more sensitive to that, because my school district's been in a lot of litigation lately. I think it's a... while I respect the intent of what the Sponsor's trying to do, I think it causes more problems than it solves and I would respectfully ask for a 'no' vote."

Speaker Madigan: "There will be one more person recognized. Representative O'Brien, the last person."

O'Brien: "Thank you, Mr. Speaker, to the Bill. I rise in support of this Bill and I've listened to the debate and heard the argument and I think later on today we're going to hear argument about where prejudice comes from. And prejudice mostly comes from ignorance and the fact that, if you don't know enough about someone that's different than you are, whether it's apparent or whether it's something in a belief, that oftentimes that fosters prejudice and fosters hate. And I can tell you I was a religious studies minor in college and I learned all about a lot of different beliefs that I had never been exposed to in my life before. And it certainly didn't change my beliefs, but it gave me a much broader understanding that there are differences and that there are all kinds of differences and beliefs that have formed the history of our country and the history of the world, sometimes for the better and sometimes for the worse, but they do make up a part of our culture and a part of who we all are. And I certainly don't have any problem at all with exposing children to the differences that we have in our beliefs, because unlike Representative Scott,

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those things were never taught in my high school or in my grade school where everyone was pretty much the same, cut from the same cloth, and I had no exposure to anyone with a different religious background than my own. And I certainly learned a lot, once I had the opportunity to learn those things and to be exposed to them. And I think that it's important for us all to remember that information does not breed prejudice, it's the lack of information that does, and that breeds hate and that breeds violence and I think that the more information that we can give to one another about our differences, the better off we all are. So I, certainly, would urge an 'aye' vote."

Speaker Madigan: "Mr. Fowler, to close."

Fowler: "Thank you, Mr. Speaker. Again in closing, I'd like to emphasize that this is not an attempt to put religion in the schools, to take it out of the schools. You know, every night as we sit in our homes and we watch the evening news on television, I think each and everyone of us here, whether you're in favor of this Bill or whether you're opposed to it, are shocked by the senseless tragedies that we've witnessed over the last 3 or 4 years, the Columbine shootings, within just a few miles of my district, over in Kentucky, the fatal shootings over there. And just this week, just this week, I don't think there's a person on this House Floor or in this gallery, that was not shocked by the fact that a six-year-old child took a gun to school and killed a classmate. I've got a six-year-old granddaughter sitting up here in the balcony and it's more than I can fathom to feature someone that age committing something like this. I think it's time that we started teaching our children responsibility, respect for life, respect for others. And I'm not saying that the posting of

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these historical documents will do that, but certainly, I feel that it's a start, it's a step in the right direction. And I urge each and everyone of you to vote your conscience on this Bill and I ask for an 'aye' vote and thank you."

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? One person has not voted. The Clerk shall take the record. On this question, there are 55 people voting 'yes', 48 people voting 'no'. Mr. Fowler."

Fowler: "Could I put it on Postponed Consideration?"

Speaker Madigan: "The Bill shall be placed on the Order of Postponed Consideration. Mr. Cross. Is Mr. Cross in the chamber? Mr. O'Connor. House Bill 4537. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4537, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

O'Connor: "Thank you, Mr. Speaker, Members of the House. House Bill 4537 amends the Criminal Code of 1961. It changes four substantive criminal provisions. First, for domestic batteries that are com... or unlawful restraints that are committed in the presence of a child. It makes a mandatory minimum sentence of ten days and/or 30 hours of community service. Secondly, the House Bill 4537 makes three technical changes to the definitions of residential burglary and home invasion. With respect to the definition of residential burglary, it provides that when an offender has entered into a facility or a home with authority and then remains there without permission that that can be a residential burglary which is a Class III felony chargeable for three to seven years. It also provides that a simple

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burglary can be a lesser included offense of a residential burglary. Under current law, without this change, the failure to prove the residential element, in essence, causes such a burglary to be treated as a simple theft which is a Class A misdemeanor as opposed to a Class I felony. Finally, it adds as the predicate offense to a home invasion, a sex offense, that is entering a facility and committing a sex offense constitutes a home invasion. I'll be happy to answer any questions."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Two people have not voted. Mr. Clerk, take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Novak. Mr. Novak. Mr. Schoenberg. House Bill 3423. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3423, a Bill for an Act amending the Toll Highway Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Schoenberg and this Bill will be on Standard Debate. Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In September of last year, Governor Ryan gave a long, overdue endorsement of meaningful reform at the Illinois Toll Highway Authority. And today may be our last opportunity to bring about significant reform and accountability at the Toll Highway Authority because despite some incremental efforts that have been made in recent years to bring some form of greater accountability

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to this public agency, some of which, in fact, I've sponsored working in conjunction with the Toll Highway Authority, there remains a significant lack of accountability. In short, we need direct legislative oversight over this agency's annual appropriations. It's long overdue. This Bill would help immeasurably to insure a more comprehensive approach to the state's transportation spending practices and policies. These reforms, in House Bill 3423, are critical because the federal transportation funding noose is tightening around our necks. Illinois is the engine that drives the region's economic growth and the strength of our region's transportation system is critical to our economic vitality. And despite the unprecedented bipartisan efforts in Washington of people such as House Speaker Hassert, Congressman Bill Lipinski, Governor Ryan, Mayor Daley and others we are, every year, realizing fewer and fewer federal dollars for transportation funding coming to Illinois. So therefore, we need to better synchronize and coordinate our state's transportation spending practices and policies. We no longer can afford to have the excesses of having two public agencies dealing with the state's roadways. House Bill 3423 does the following: it provides for direct legislative approval of the Toll Highway Authority's operating expenses and guarantees a continuing and irrevocable appropriation from tollway revenues sufficient to pay all principal interest and other expenses associated with the over \$800,000,000 in outstanding bonds. It gives bond investors greater security by increasing the debt service coverage and by pledging a second source of revenues by double barreling the bonds to provide additional security. And finally, it provides the General Assembly with direct approval for post

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toll increases, just as we are statutorily empowered to authorize construction of tollway extensions. This legislation has been endorsed by over 20 organizations from throughout the Chicago Metropolitan area and in addition, the Illinois Farm Bureau has stood in support of this concept. I urge your support for House Bill 3423 and I'm happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. Mr. Boland, did you wish to vote? Mr. Clerk, take the record. On this question, there 83 'ayes' and 33 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Cross. Is Mr. Cross in the chamber? Mr. O'Connor. House Bill 4626. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4626, a Bill for an Act concerning crime. Third Reading of this House Bill."

Speaker Madigan: "Mr. O'Connor."

O'Connor: "Thank you, Mr. Speaker. Thank you, Mr. Speaker, Members of the House. House Bill 4626 amends four substantive criminal provisions. The first provision it amends the Juvenile Court Act by designating three offenses where a minor is 15 or 16 years old as required to be prosecuted as an adult. These offenses generally relate to the possession of explosives or certain types of firearms at or near a school. The second provision to the Juvenile Court Act relates to the deletion of two offenses for which a minor must be prosecuted as an adult and those relate to

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the possession of relatively simple weapons like slingshots, brass knuckles, blackjacks, things of that nature. The second thing that this legislation does is it amends the Criminal Code of 1961 by creating the offense of aggravated possession of explosives or incendiary devices at or near a school. It makes that offense a Class X felony subject to 10 to 60 years in prison without probation. In addition to that, the other Amendment to the Criminal Code is it makes the knowing contact of a street gang member in violation of a court or supervision order a potential misdemeanor offense. The third substantive provision that this legislation amends is the Improper Supervision of Children Act by creating a petty offense of the improper supervision of a child in the situation where an individual who is responsible for the custody or control of a minor allow that minor to associate with a known gang member. It also makes a technical change to the Cannabis Control Act. I'll be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the Chair recognizes Representative Monique Davis. Representative, this matter will be on Standard Debate. Do you stand in response?"

Davis, M.: "Well, I'm gonna ask him some questions and you know, I don't know where I am."

Speaker Madigan: "So we'll recognize Representative Davis in response."

Davis, M.: "Okay. Thank you. Representative O'Connor, I really do apologize and I might have missed your statement. When you said that... can you kinda briefly explain that again, what's gonna happen to people who do what?"

O'Connor: "Representative, we're..."

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Davis, M.: "I'm trying to be acerbic."

O'Connor: "Right. There are... you're trying to be acerbic?"

Davis, M.: "I'm trying to be acerbic."

O'Connor: "Oh, disturbing."

Davis, M.: "It makes some people happy when I'm acerbic."

O'Connor: "Representative, I've never known you to be acerbic or disturbing."

Davis, M.: "Thank you very much, Representative O'Connor."

O'Connor: "This legislation amends four substantive criminal provisions. Do you want me to go through the entire proposed legislation or is there something you specifically would like to be addressed?"

Davis, M.: "First, I'd like to know, are you stating that something will happen to gang members?"

O'Connor: "There is a provision which says that a knowing contact with a street gang member in violation of a court or supervision order is a Class A misdemeanor."

Davis, M.: "Okay. We'll stop right there for the time. The reason I asked that question was because we have some ministers who work with gang members and we have some organizations that try and work with them. And we really didn't want anything that would prohibit someone attempting to make gang members better people."

O'Connor: "It's only in violation of a court order so that I doubt that a minister would be ordered by a court not to have contact with a gang member."

Davis, M.: "All right. Thank you, Mr. Representative. Could you also tell me, please, if there's anything in your Bill that has something to do with bombs and children with bombs? I'm being acerbic. Go on."

O'Connor: "This legislation provides that an individual of 15 or 16 years of age... I'm sorry. It creates the offense of

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aggravated possession of explosives or incendiary devices at or near a school and makes it a Class X felony."

Davis, M.: "Is there an age limit on those who would be charged with the Class X felony?"

O'Connor: "It is possible that a juvenile of 15 or 16, under this legislation, would be charged as an adult..."

Davis, M.: "Fifteen or sixteen..."

O'Connor: "...for the possession of an incendiary device at or near a school."

Davis, M.: "And how many years would that get this person?"

O'Connor: "That would get this person... it's a Class X felony, it would be 10 to 60 years without probation."

Davis, M.: "Well, I don't know if you saw this in the paper, recently, but we had a student in elementary or high school who was carrying a handmade bomb and it accidentally went off on the bus. However, this student was about, I think, 12 years old."

O'Connor: "I'm sorry, Representative, I didn't hear your question."

Davis, M.: "I said recently, there was a young student on a school bus who had a handmade bomb. It was a bottle with, whatever they put in it, and the bomb did explode on the bus and the student was expelled. So I was wondering if, with your legislation, this student would be charged with a Class X felony."

O'Connor: "It depends upon his age."

Speaker Madigan: "Representative Davis, could you bring your remarks to a close."

Davis, M.: "I will try, Mr. Speaker."

Speaker Madigan: "You have, like, 38 seconds."

Davis, M.: "But this is very important."

Speaker Madigan: "You have 35 seconds left."

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Davis, M.: "But maybe I don't sound serious. I'm very serious. Yes, Sir. I was asking if a student, about 12 years old, could be charged with a Class X felony."

O'Connor: "The answer is 'no'."

Davis, M.: "Okay. And the final part of your Bill does what?"

O'Connor: "Let me make a correction. The answer is 'yes', but he would be charged as a juvenile under the Juvenile Court Act and not as an adult under the Criminal Code."

Davis, M.: "And do you mention gang members, you know, like gang... you said 'no' to gang members. In other words, they have been identified as such, through the courts. Is that correct?"

O'Connor: "Yes. The definition of gang member comes from the Illinois Street Gang Terrorism Omnibus Prevention Act. There's a very strict and narrow definition of gang member and gang activity which has been considered by the courts and upheld both from a substantive and constitutional perspective."

Davis, M.: "Thank you for your answers, Representative."

O'Connor: "You're quite welcome."

Speaker Madigan: "Mr. O'Connor moves for the passage of the Bill. Mr. Skinner, do you rise in response?"

Skinner: "I rise on a point of personal privilege, Mr. Speaker."

Speaker Madigan: "State your point."

Skinner: "I would like to congratulate Representative Davis for her new warm and fuzzy persona."

Speaker Madigan: "Thank you. 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? Two people have not voted. One person has not voted. Mr. Clerk, take the record. On this question, there 116 people voting 'yes', 0

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voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Reitz. Is Mr. Reitz in the chamber? Mr. Boland. Mr. Boland. House Bill 2374. Mr. Clerk, read the Bill. Mr. Boland, we're gonna delay in calling your Bill. Mr. Clerk, what is the status of House Bill 3610? 3610."

Clerk Rossi: "House Bill 3610 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. Is Mr. Acevedo in the chamber? Mr. Acevedo. Acevedo. House Bill 4551. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4651 has been read a second time, previously. Amendments 1 and 2 were adopted to the Bill. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Acevedo. Turn on Mr. Acevedo. Put the Bill on the Order of Third Reading. Mr. Reitz. You're the Sponsor of House Bill 4124? 4124? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 4124 has been read a second time, previously. The fiscal note and the correctional budget impact note that were requested on the Bill have been filed."

Speaker Madigan: "Put this Bill on the Order of Third Reading. Mr. Reitz, do you wish to call the Bill on Third Reading?"

Reitz: "Yes, Mr. Speaker. I beg the indulgence of the Committee."

Speaker Madigan: "Mr. Reitz, let the Clerk read the Bill. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4124, a Bill for an Act in relation to corrections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Reitz."

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Reitz: "Thank you, Mr. Speaker. I'd like to beg the indulgence of the Committee. This Bill, we had said, would come back to Judiciary Committee and look at it. We have been working with, between all the interested parties and with the Department of Corrections. I think we have an agreement, unfortunately, we do not have time to amend it at this time, put the Amendment on there. So I would ask that we pass this out and we will amend it in the Senate and discuss the issue when it gets back here after the Senate passes it. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk. House Bill 3610. Are there any Amendments?"

Clerk Rossi: "House Bill 3610. Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. Floor Amendment #3, offered by Representative Erwin, has been approved for consideration."

Speaker Madigan: "Representative Erwin, on the Amendment."

Erwin: "Thank you, Speaker. Floor Amendment #3 makes some technical corrections to the underlying Bill which is allowing Maryville Academy and New Horizons to use surplus state property to take care of, in Maryville's case, wards of the state who are medically complex cases. And in the case of New Horizons, it's a not-for-profit, great not-for-profit organization taking care of the

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developmentally disabled. There were some technical things that the Senate and CMS wanted to change in the land conveyance language and that's what's in #3. I'd appreciate your support."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative Hartke in the Chair."

Speaker Hartke: "House Bill 3550. Representative Hannig. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 3550, a Bill for an Act making appropriation to the Office of State's Attorneys Appellate Prosecutor. Third Reading of this House Bill."

Speaker Hartke: "Is there any discussion? Representative Morrow."

Morrow: "Thank you, Mr. Speaker. I'm waiting for my staff to get here. House Bill 3550 makes appropriations to the Office of the State's Attorney Appellate Prosecutor for it's FY 2001, ordinary and contingent expenses. It contains \$4,474,566 in General Revenue Funds, 4,744,693 in other state funds and 2,800,000 in federal funds. Be glad to answer any questions."

Speaker Hartke: "No questions? Representative Skinner, to close. No close. The question is, 'Shall the House pass House Bill 3550?' 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 House Bill 3550, there are 116 Members 'yes', 0 voting 'no' and 0 voting 'present'.

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And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4345. Representative Hannig. Mr. Clerk, call the Bill."

Clerk Rossi: "House Bill 4345, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4345 appropriates the ordinary and contingent expenses for the courts of Illinois for Fiscal Year '01. This includes the Supreme Court, Appellate Courts, and the Circuit Courts. There are \$291,779,500 in General Revenue Funds and \$8,756,800 in other state funds. This represents an 8 1/2% increase over the prior fiscal year. I urge your support. And be happy to answer any questions."

Speaker Hartke: "Is there any questions? Seeing that no one is seeking recognition, Representative Biggins to close. He cares not to close. The question is, 'Shall the House pass House Bill 4345?' 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 House Bill 4345, there are 116 Members voting 'yes', 0 voting 'no' and 0 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4355. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4355, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan. Representative Mulligan in the chamber? Out of the record. Mr. Clerk, take this Bill out of the record. House Bill 4356."

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Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4356, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4356 appropriates monies for the Pollution Control Board. And I urge an 'aye' vote."

Speaker Hartke: "Representative Schoenberg, to close."

Schoenberg: "Thank you. We agree on this side of the aisle and urge your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4356?' 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? Mr. Clerk, take the record. On House Bill 4356, there were 117 Members voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4357. Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4357, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. This House Bill 4357 appropriates monies for the Dry Cleaner Environmental Response Fund. It's entered at the Governor's requested level. And I urge an 'aye' vote."

Speaker Hartke: "Representative Skinner to close. The question is, 'Shall House Bill 4357 pass?' 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 House Bill 4357, there are 117 Members voting 'yes', 0 voting 'no' and

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'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4362. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4362, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4362 appropriates monies for the Department of Employment Security at the Governor's suggested level. I request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg, to close."

Schoenberg: "We concur on this side of the aisle and we urge your support."

Speaker Hartke: "The question is, 'Shall House Bill 4362 pass?' 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 wish? Mr. Clerk, take the record. On House Bill 4362, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4364. Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4364, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4364 appropriates monies for the operation of the Department of the Lottery at the Governor's requested level. I request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg, to close."

Schoenberg: "We concur on this side of the aisle and we urge your support."

Speaker Hartke: "The question is, 'Shall House Bill 4364 pass?'"

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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 House Bill 4364, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4365. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4365, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4365 appropriates monies for the Illinois Commerce Commission at the Governor's requested level. I request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We concur on this side of the aisle and urge your support."

Speaker Hartke: "The question is, 'Shall House Bill 4365 pass?' 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 House Bill 4365, there are 115 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4366. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4366, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4366 appropriates money for the Department of Insurance at the Governor's requested level. And I would request an 'aye' vote."

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Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We agree with the Governor's introduced level on this side of the aisle and we urge your support, as well."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4366?' 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 House Bill 4366, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4386. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4386, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4386 appropriates monies for the Illinois State and Local Labor Relations Board at the Governor's requested level. And I would appreciate an 'aye' vote."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We agree with the Governor's funding level and we urge our Members to vote for this, as well."

Speaker Hartke: "The question is, 'Shall House Bill 4386 pass?' 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? Mr. Clerk, take the record. On House Bill 4386, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4393. Representative Biggins. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 4393, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4393 appropriates monies for the Illinois Racing Board at the Governor's requested level. I request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We, on this side, agree with the funding level on this side of the aisle. We urge your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4393?' 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? Mr. Clerk, take the record. On House Bill 4393, there are 115 Members voting 'yes', 0 voting 'no' and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4394. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4394, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4394 appropriates money for the Department of Nuclear Safety. It's in at the Governor's requested level. And I would request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We concur with the Governor's requested level and we urge your support, as well."

Speaker Hartke: "The question is, 'Shall the House pass 4394?' 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.

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Clerk, take the record. On House Bill 4394, there were 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4398. Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4398, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4398 appropriates funds for the Environmental Protection Trust Fund Commission and it's in at the Governor's level. And I would request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "We, on our side, support the Governor's funding level, as well. We urge your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4398?' 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 House Bill 4398, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4401. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4401, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 4401 appropriates funds for the Illinois Property Tax Appeal Board in at the Governor's requested level. And I would request an 'aye' vote."

Speaker Hartke: "Representative Schoenberg."

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Schoenberg: "We support the Governor's requested level and we urge your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4401?' 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 House Bill 4401, there are 116 Members voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4435. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4435, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This represents a 3% increase over the prior year and this is at the Governor's request level. We urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I concur with the Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4435?' 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 House Bill 4435, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4437. Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4437, a Bill for an Act making

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appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the appropriations Bill for LIS. It represents a 3% increase over the prior fiscal year. We urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "I concur the Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4437?' 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 House Bill 4437, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4438. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4438, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the budget for the Economic and Fiscal Commission which does such a fine job. It represents a 3% increase over the prior fiscal year and I urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "I support the Gentleman's Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4438?' 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 House Bill

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4438, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4439. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4439, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4439 is the budget for the Legislative Audit Commission. It represents a 3% increase over the prior fiscal year and we urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Sir, I rise in support of the Gentleman's Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4439?' 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 House Bill 4439, there are 116 Members voting 'yes', 0 voting 'no' and 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4440. Representative Schoenberg. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4440, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4440 is the budget for the Legislative Reference Bureau. It represents a 3% increase over the prior fiscal year. We urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I support the Gentleman's Bill."

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Speaker Hartke: "The question is, 'Shall the House pass House Bill 4440?' 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 House Bill 4440, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4441. Representative... Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4441, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4441 is the Joint Commission on Administrative Rules budget. It represents a 3% increase over the prior fiscal year. We urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you. I support the Gentleman's Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4441?' 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 House Bill 4441, 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 4442. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4442, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4442 is the budget for the Legislative

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Printing Unit. It represents a 3% increase over the prior fiscal year. We urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you. I support the Gentleman's Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4442?' 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 House Bill 4442, 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 4443. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4443, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4443 is the budget for FY '01, the Pension Laws Commission. It represents a 3% increase over prior fiscal year. We urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I support the Gentleman's Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4443?' 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 House Bill 4443, there are 115 Members voting 'yes', 2 Members voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4444. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 4444, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4444 is the Research Unit's budget. It represents a 3% increase for fiscal year '01 over the prior year and we urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I also rise in support of this Gentleman's Bill, as well."

Speaker Hartke: "The Chair recognizes Mr. Skinner."

Skinner: "Will the Sponsor yield for a question, please."

Speaker Hartke: "Sponsor will yield."

Skinner: "In the tobacco settlement Bill that the Democrats have put on the House Floor, the Legislative Research Unit is going to do program evaluation. Have you amended the Bill to take... has the appropriations Bill been amended to take care of the increased costs that this will require?"

Schoenberg: "Mr. Skinner, could you speak more directly in the microphone, please. I couldn't hear your question."

Skinner: "I'm sorry. In the tobacco settlement Bill that the Democrats have put on the House Floor, there is a requirement that the Legislative Research Unit do program evaluation. Has the budget of the Legislative Research Unit been increased to allow them to perform this function?"

Schoenberg: "Mr. Skinner, at this time, that adjustment has not been made."

Skinner: "Well, I, personally, don't think they should have this function. I think this function should go to the Auditor General. So I'm happy that you haven't increased it for that purpose."

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Schoenberg: "Mr. Skinner, I don't think that reflects any philosophical... any kind of philosophical decision."

Skinner: "Well, I always hope that there might be some substance to appropriations Bills."

Speaker Hartke: "Mr. Biggins has already closed. The question is, 'Shall the House pass House Bill 4444?' 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 House Bill 4444, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4445. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4445, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the operating budget for the General Assembly. It represents a general 3% increase with reapportionment lines increased by \$550,000 each."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I also rise in support of the Gentleman's Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4445?' All those in favor... sorry, Mr. Skinner, didn't see your light. Would you like to... what reason do you seek recognition?"

Skinner: "Yes, I would like to ask a question. Most of us, now, have fax lines and we each have to pay for them out of our district office allowance. Mr. Sponsor of this Bill, have you increased the budget so that the money for our fax

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lines, our telephone lines may be paid out of our nondistrict allowance budget?"

Schoenberg: "No, there's been no adjustment to accommodate that issue."

Skinner: "Why not? Don't you consider fax lines an essential part of representing your constituency?"

Schoenberg: "Mr. Skinner, the amount that we get for our district office allowance is set statutorily. It'll remain at its existing level unless we make a statutory change to elevate it, as we did several years ago."

Skinner: "Well, that's not the answer to the question. The question was, why aren't you taking this money out of the General Assembly budget? Why do we have to take out something that is essential for our operation in Springfield out of our district office allowance?"

Schoenberg: "Mr. Skinner, I'm afraid I'd have to get back to you with the answer on that. I don't have it right away."

Skinner: "Well, do you agree that we shouldn't have to pay for it out of our district office allowance?"

Schoenberg: "Mr. Skinner, I don't see it to be as contentious an issue that I'm willing to go along with what we have to do right now."

Skinner: "I'm sorry. I can't hear you. You're mumbling."

Schoenberg: "No, I wasn't mumbling, Mr. Skinner. What I was saying is, I don't find it to be as contentious an issue as you do and I'm willing to go along with this however distasteful I may personally find it."

Skinner: "Well, it must be nice to have a district office allowance that has so much money in it that you don't have to worry about that amount of money."

Schoenberg: "Quite the contrary, Mr. Skinner. I represent the high rent district and I can barely pay for all the needs

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that I have to, but right now we would need to make a statutory change in order to raise the level for our district office allotments..."

Skinner: "I'm not asking that we raise the district allowance office expense. I'm asking that we take it out of the Leadership budgets. The same place that the telephone, the two telephone lines that we have traditionally had are financed."

Schoenberg: "Mr. Skinner, I just said I'd be happy to entertain that Amendment, if you wish to file it."

Skinner: "Well, I haven't noticed any Floor Amendments accepted in the appropriations process since the rules were changed following your party's taking control of the House in 1997."

Schoenberg: "Mr. Skinner, not to correct you, but I know in our appropriations committee, we have adopted a number of Committee Amendments, not just this year but the prior year and the year prior to that in order to reflect adjustments that we feel need to be made. Some of those have been increases, some of those have been decreases."

Skinner: "Well, since I'm not on your committee, Representative, I'm hoping to inspire some Member of your committee to offer such an Amendment. Thank you."

Speaker Hartke: "Mr. Biggins has closed. The question is, 'Shall the House pass House Bill 4445?' 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 House Bill 4445, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4446. Mr. Clerk, read the

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Bill."

Clerk Bolin: "House Bill 4446, a Bill for an Act making appropriations to the Auditor General. Third Reading of this House Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4446 is the budget for the Auditor General reflects a 0% General Revenue Fund increase. In fact, it represents a total decrease of \$274,800. I urge your support."

Speaker Hartke: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I also urge your support for this Bill."

Speaker Hartke: "The question is, 'Shall House Bill 4446 pass?' 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 House Bill 4446, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4359. Representative Mulligan."

Clerk Bolin: "House Bill 4359, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4359 makes appropriations to the Department of Veterans' Affairs for fiscal year 2001 at the Governor's introduced level."

Speaker Hartke: "Representative Davis. Monique Davis."

Davis, M.: "I concur that Motion. We support that Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4359?' 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? Mr. Clerk, take the record. On House Bill 4359, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4355. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4355, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4355 makes appropriations for the Illinois Health Care Cost Containment Council for fiscal year 2001 at the Governor's introduced level."

Speaker Hartke: "Monique. Representative Davis."

Davis, M.: "We concur with the Governor's introduced level. We support this Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4355?' 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 House Bill 4355, there are 116 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4372. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4372, a Bill for an Act in relation to State Government. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill is in vehicle form and will be used to implement the budget when it finally occurs. We're sending it to the Senate for that purpose."

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Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. Representative Ryder and I have worked very hard to get some vehicle Bills for the budget implementation over to the Senate on a bipartisan basis and we support the Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4372?' 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 House Bill 4372, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4374. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4374, a Bill for an Act in relation to State Government. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "For the same reason that we considered the previous Bill, this one is also to implement the budget upon agreement of all the Caucuses."

Speaker Hartke: "Representative Hannig."

Hannig: "Again, our side of the aisle supports Representative Ryder in our effort for a bipartisan Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4374?' 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? Mr. Clerk, take the record. On House Bill 4374, there are 116 Members voting 'yes', 0 voting 'no' and 'present'. This Bill, having received a Constitutional Majority, is hereby

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declared passed. House Bill 4373. Representative Skinner.

Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4373, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "This is the Rural Bond Bank Bill."

Speaker Hartke: "Mr. Schoenberg."

Schoenberg: "A question, if the Sponsor will yield."

Speaker Hartke: "Sponsor will yield."

Schoenberg: "Mr. Skinner, does the Rural Bond Bank serve just communities south of I-80 or are there some north of I-80 that get money, too."

Skinner: "I believe we amended the Act several years ago to allow communities in the, at least, the collar counties and maybe even suburban Cook County to be eligible for loans. I may be wrong. I'm not an expert in that subject matter."

Speaker Hartke: "Mr. Schoenberg."

Schoenberg: "Mr. Skinner, so if Winnetka wanted to get money from the Rural Bond Bank to purchase some land, would they be able to do so?"

Skinner: "Yes, despite the relatively high income of the Winnetka area, they would be eligible."

Schoenberg: "Thank you, Mr. Speaker. No further questions."

Speaker Hartke: "Mr. Morrow, to close. Mr. Morrow, to close."

Morrow: "Thank you, Mr. Speaker. We concur with the Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4373?' 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 House Bill 4373, there are 116 Members voting 'yes', 0 voting 'no' and 0

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voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4379. Representative Skinner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4379, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "Well, Mr. Speaker, I'm happy to offer this Bill which will give more money to my friends in southwestern Illinois."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker. Would the Gentleman at least announce what the dollar amounts are of these budgets? Just for the record."

Speaker Hartke: "Mr. Skinner."

Skinner: "I'll be happy to be almost the first person to have done that in this half hour of appropriations Bills. \$1,697,600."

Speaker Hartke: "Representative Morrow."

Morrow: "And we concur with the Gentleman's Motion."

Speaker Hartke: "Mr. Schoenberg, you have a question of the dollar amount?"

Schoenberg: "I just wanted to know, from Mr. Skinner, if the 23rd Ward in the southwest side of Chicago could get money from the Southwestern Illinois Development Authority?"

Skinner: "Over the shriveled and dead bodies of the Representatives from southwestern Illinois."

Speaker Hartke: "Mr. Morrow has closed. The question is, 'Shall the House pass House Bill 4379?' 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 House Bill 4379,

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there are 116 Members voting 'yes', 0 voting 'no' and 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4380. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4380, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4380 makes appropriations to the Comprehensive Health Insurance Plan for fiscal year 2001 at the Governor's introduced level which will cover an additional 1500 people."

Speaker Hartke: "Representative Davis"

Davis, M.: "We concur with the support of the Governor's introduced level. We vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4380?' 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 House Bill 4380, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4381. Representative Skinner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4381, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "The request of this agency is \$18,858,000. We're gonna prevent a lot of violence."

Speaker Hartke: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker. We also concur with the

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Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4381?' 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? Mr. Clerk, take the record. On House Bill 4381, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4382. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4382, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "Mr. Speaker, I apologize. I do not have the figure of how much this appropriation is, but we have heard the agency make presentations year after year and it's necessary to keep East St. Louis moving."

Speaker Hartke: "Representative Morrow can help you out."

Morrow: "Yes, thank you, Mr. Speaker. The appropriation is \$298,900 and we concur with the Gentleman's motion."

Speaker Hartke: "You concur? Mr. Skinner."

Skinner: "Anything my Chairman says."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4382?' 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? Mr. Clerk, take the record. On House Bill 4382, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4383. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4383, a Bill for an Act making

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appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4383 makes appropriations to the Guardianship and Advocacy Commission for fiscal year 2001 at the Governor's introduced level."

Speaker Hartke: "Representative Davis."

Davis, M.: "We concur with the Lady's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4383?' 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 House Bill 4383, there were 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4384. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4384, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4384 makes appropriations to the Illinois Planning Council on Developmental Disabilities for fiscal year 2001 at the Governor's introduced level which is a federal rollover."

Speaker Hartke: "Representative Davis."

Davis, M.: "We support the Governor's request."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4384?' 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? Mr. Clerk, take the record. On House Bill 4384, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this

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Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4385. Representative Skinner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4385, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "We now have former Representative Ann Hughes watching over the Illinois Farm Development Authority again, so I'm sure the \$5.4 million they spend, will be spent well."

Speaker Hartke: "Representative Morrow."

Morrow: "And I'm sure Representative Hughes would be a fine director and we concur with the Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4385?' 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 House Bill 4385, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4387. Representative Skinner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4387, a Bill for an Act making appropriations. Third Reading of this House Bill."

Skinner: "This Bill is for \$834,500."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker. We also concur with the Gentleman's Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4387?' 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? Mr. Clerk, take

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the record. On House Bill 4387, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4388. Representative Skinner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4388, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "The budget that we present for the Department of Military Affairs is \$29.7 million."

Speaker Hartke: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker. General Harris is doing a fantastic job over at the Department of Military Affairs. He has changed the morale of the National Guardsmen and I stand proudly to concur with this Motion."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4388?' 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? Mr. Clerk, take the record. On House Bill 4388, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill does pass. House Bill 4388 and having received a Constitutional Majority, is hereby declared passed. House Bill 4391. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4391, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4391 makes appropriations to the Human Rights Commission for fiscal year 2001 at the Governor's introduced level."

Speaker Hartke: "Representative Davis."

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Davis: "We concur with the Governor's introduced level."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4391?' 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? Mr. Clerk, take the record. On House Bill 4391, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4392. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4392, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "House Bill 4392 makes appropriations to the Department of Human Rights for fiscal year 2001 at the Governor's introduced level."

Speaker Hartke: "Representative Davis."

Davis: "Mr. Speaker, we support the Governor's request at this introduced level."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4392?' 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 House Bill 4392, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4402. Representative Skinner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4402, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "You notice how I get all the good departments to

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sponsor?"

Speaker Hartke: "I didn't notice."

Skinner: "The Department of Labor has a budget of \$6.7 million.
I'll probably vote for the Bill."

Speaker Hartke: "Representative Morrow."

Morrow: "And if Representative Skinner's voting for it, so am I."

Speaker Hartke: "The question is, 'Shall the House pass House
Bill 4402?' 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? Mr. Clerk, take
the record. On House Bill 4402, there were 116 Members
voting 'yes', 0 voting 'no' and 0 voting 'present'. And
this Bill, having received a Constitutional Majority, is
hereby declared passed. House Bill 4399. Mr. Skinner.
Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4399, a Bill for an Act making
appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Skinner."

Skinner: "You know, every once in a while you find a department
that's improving its performance in State Government, this
is one of them. The backlog is down for the Illinois
Industrial Commission. The amount in the Bill is \$11.1
million. I heartily recommend its approval."

Speaker Hartke: "Representative Morrow."

Morrow: "Yes. I rise to concur with the Gentleman's Motion.
Former Representative John Hallock has one of the best
minority hiring records of any state agency that we have
here in Springfield and I want to commend him for it."

Speaker Hartke: "The question is, 'Shall the House pass House
Bill 4399?' 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? Mr. Clerk, take

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the record. On House Bill 4399, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4447. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4447, a Bill for an Act to amend the State Finance Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a transfer of money to the Audit Expense Fund from the various state agencies to cover the cost for the Auditor General to do the state audits. It's \$8,897,250 and it's an 8% decrease from last year. I'd ask for your favorable vote."

Speaker Hartke: "Representative Ryder."

Ryder: "We agree."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4447?' 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 House Bill 4447, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4564. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4564, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a shell Bill that Representative Ryder and I intend to send to the Senate along with several others for use as we go through the budget process. I'd ask for a 'yes'

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vote."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. It is indeed a shell Bill for the purpose stated by Representative Hannig."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4564?' 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 House Bill 4564, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4397. Representative Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4397, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. This is a Bill to take care of the Educational Labor Relations Board in the budget and I would appreciate an 'aye' vote."

Speaker Hartke: "Representative Curry. Julie Curry."

Curry: "Thank you, Mr. Speaker. The Democrats concur with this funding level."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4397?' 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 House Bill 4397, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4562. Representative Curry. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 4562, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. This Bill contains a statutory required funding level for the Downstate Teachers' Retirement System. I'd ask for your support."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. This is a Bill for Teachers' Retirement System within the budget and I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4562?' 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? Mr. Clerk, take the record. On House Bill 4562, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby passed. House Bill 4565. Representative Curry. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4565, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. House Bill 4565 contains a funding for the Chicago Teachers' Pension System at the Governor's recommended level. We'd appreciate your support."

Speaker Hartke: "Representative Mitchell. Chicago Teachers' Retirement System, do you concur? Representative Mitchell."

Mitchell, J.: "Yes, Sir, I concur."

Speaker Hartke: "The question is, 'Shall the House pass House

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Bill 4565?' 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 House Bill 4565, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4572. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4572, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. This is a shell Bill for this purpose and we would appreciate your assistance."

Speaker Hartke: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker. We support Representative Ryder's effort."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4572?' 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 House Bill 4572, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4573. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4573, a Bill for an Act concerning appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is a shell Bill for the purposes of using at a later date in the appropriation process."

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Speaker Hartke: "Mr. Ryder."

Ryder: "Thank you. We agree with the Representative and urge your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4573?' 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? Mr. Clerk, take the record. On House Bill 4573, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4576. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4576, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Again, this is a shell Bill for the purpose of continuing the negotiations on the budget. I appreciate your support."

Speaker Hartke: "Representative Hannig."

Hannig: "And we support Representative Ryder."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4576?' 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? Mr. Clerk, take the record. On House Bill 4576, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4582. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4582, a Bill for an Act to amend the Build Illinois Bond Act. Third Reading of this House Bill."

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Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a shell Bill that we intend to use if we need something for a bonded indebtedness Bill. So I'd ask for your support."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. We support Representative Hannig in this Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4582?' 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 House Bill 4582, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4583. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4583, a Bill for an Act to amend the General Obligation Bond Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. This is another vehicle Bill for the purposes of bonded indebtedness. I would ask your support."

Speaker Hartke: "Mr. Hannig."

Hannig: "And we support the Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4583?' 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 House Bill 4583, there are 117 Members voting 'yes', 0 voting 'no' and 0

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voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4584. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4584, a Bill for an Act to amend the General Obligation Bond Act. Third Reading of this House Bill."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is an additional bond shell Bill that we wish to send over to the Senate for future use. And I'd ask for a 'yes' vote."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. We agree and offer support for this Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4584?' 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? Mr. Clerk, take the record. On House Bill 4584, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4587. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4587, a Bill for an Act in relation to State Government. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a budget implementation shell Bill that we wish to send to the Senate. I'd ask for a 'yes' vote."

Speaker Hartke: "Representative Ryder."

Ryder: "We agree. Ask for your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4587?' 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 House Bill 4587, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4588. Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4588, a Bill for an Act in relation to State Government. Third Reading of this House Bill."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is one last budget implementation shell Bill that we need to send to the Senate. I'd ask for your 'yes' vote."

Speaker Hartke: "Mr. Ryder."

Ryder: "Thank you. We support the Gentleman."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4588?' 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? Mr. Clerk, take the record. On House Bill 4588, there are 117 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3852. What is the status of that Bill?"

Clerk Bolin: "House Bill 3852 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second for purposes of an Amendment at the request of the Sponsor. On page 2 of the Calendar, appears House Bill 2884. Representative Franks. Mr. Clerk, read the Bill. Excuse me, Mr. Franks. Mr. Cross, why do you seek recognition?"

Cross: "Mr. Speaker and I don't rise to be difficult, but this is

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very frustrating and it's tough for us to follow in any order what's going on with respect to Bills. This is a little easier, but what..."

Speaker Hartke: "I'll inquire with the Clerk. I noticed it's not working properly either. Brad..."

Cross: "Can we shut it down for five or six days and we'll come back. I mean, this is... I mean, it almost looks like if it's a Franks Bill, we're gonna vote on that drug Bill, again. I don't think we want to go through that. I'm not sure which number that is. Well, it is a gaming Bill. His Bill was a gamble, but is a gamble. But I..."

Speaker Hartke: "Mr. Cross, let's look at the right side over here, your right, my left..."

Cross: "Well, now wait a minute. These guys over here... I agree, that we ought to be moving right."

Speaker Hartke: "It'll be on your computers. We will check with an electrician and see how long it will take for it to shut down."

Cross: "Chuck, I don't mean to make light, but we do need to get this fixed because we can't see what's going on and in all honesty, I don't know how you... Can you just spend a few minutes to try to get it fixed?"

Speaker Hartke: "Yes. So we're checking into it to see how long it's gonna take, but in the mean time we'll work real slow so that you can understand."

Cross: "What number of Bill is this?"

Speaker Hartke: "This is House Bill 2884. Should be on your laptop."

Cross: "Are you gonna give us a little more time since we're going slower..."

Speaker Hartke: "I will slow down just a little bit."

Cross: "...to debate? Okay. Thank you very, very much."

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Speaker Hartke: "Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 2884, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No further Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4097. Representative Wait. Representative Wait."

Clerk Bolin: "House Bill 4097, a Bill for an Act to amend the Crime Victims' Compensation Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Wait."

Wait: "Thank you, Ladies and Gentlemen of the House. This deals with the Crime Victims Compensation Act. This is a Bill of Attorney General Jim Ryan. There's three things that it does. One is, it would liberalize the child support orders out of the Victims Compensation Act. They expect it'd be 30 claims or \$7000 per claim that would be additional if we make this language change. Second, it would allow those... or not allow those that are incarcerated to file for the victims' compensation until they get out of prison. And third, it would allow the parents and the kids of people who were battered and abused that filed under the Victims Compensation Act to get counseling help. We changed it before only allowed for brothers and sisters, this would allow for parents and the kids to also get counseling. I'd be happy to answer any questions."

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

Cross: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Cross: "Is there a Representative by the name... is there a Damien, here? And it looks like... is this the Omen?"

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Speaker Hartke: "Mr. Cross."

Cross: "This is ridiculous. I mean, we're gonna be infiltrated by demons."

Speaker Hartke: "Mr. Cross, we'll finish this Bill, then we'll shut down for about two minutes to get this fixed."

Cross: "Good, good. But who is Representative Damien?"

Speaker Hartke: "That's Durkin. Representative Durkin."

Durkin: "Thank you, Representative Cross. I just want to make it very clear that I have no association with any satanic cults. And in light of my preference in presidential candidates last week there was reference made at a certain university in South Carolina about my religious faith. And I want to make it very clear that I do not support any type of satanic operations or any cult of that light. And I am Representative Durkin for anybody who is inquiring about that."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4097?' 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 House Bill 4097, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2884. Representative Franks. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2884, a Bill for an Act in relation to gambling. Third Reading of this House Bill."

Speaker Hartke: "Representative Franks."

Franks: "Thank you, Mr. Speaker. The Bill, as amended... Well, I guess I should start with the sort of torturous legislative history of this Bill. The initial Bill would ban the

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placement of ATMs at casinos and race tracks, as well as, the banning of certain monies. That Bill... As well as, banning postdated checks, as well as, the banning of government checks at casinos and race tracks. In Executive Committee, we did not get the original Bill through. So the Amendment as it stands now, bans the cashing of postdated checks, as well as, the cashing of government checks at casinos and race tracks."

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

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, I know this Bill started out at a lot bigger format at an earlier time. It's my understanding that it's now limited to, essentially, two items, is that correct?"

Franks: "Yes."

Cross: "The one item is that and I just want to make sure that we're clear on this, that government checks will not be allowed to be cashed at gaming facilities, is that correct?"

Franks: "Correct."

Cross: "Now, it's my understanding that, currently, under the rules of both the gaming board and the racing board that that is already prohibited."

Franks: "It's not codified, but that is a rule."

Cross: "Is it a process or procedure that goes on on a regular basis at gaming facilities, now?"

Franks: "I don't believe so, but I think we should make sure that that doesn't occur."

Cross: "Oftentimes, we don't have Bills or ideas that are codified, but we implement 'em or they're implemented

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through the rule-making process, is that correct?"

Franks: "That's correct."

Cross: "So this is really duplicative of what we already have."

Franks: "Well, no. What it actually does is clarify the rules because rules can change. But it's much harder to change something that's been codified. So I think we protect ourselves better by codifying this."

Cross: "You're not aware of anyone that's attempted to change these rules, are you?"

Franks: "No, not at this time."

Cross: "All right. Is there anything else in this Bill that this Bill does, or is that it?"

Franks: "It also bans the cashing of postdated checks."

Cross: "And that's the extent of your Bill?"

Franks: "Yeah. Well, it was a larger Bill, but every Amendment we tried to get through in the Executive Committee didn't happen. So, hopefully, when we pass this here today, we can send it to the Senate where Senator Burzynski has a very similar Bill, as my original Bill, and we're asking him to carry that in the Senate."

Cross: "Do you know where ILCAAP is on this Bill?"

Franks: "I'm sorry. I can't hear you."

Cross: "Do you know where ILCAAP is on this Bill?"

Franks: "Yeah, I talked to ILCAAP this morning. They were the original proponents of the Bill. And now, they have gone neutral because of the two sections that were knocked out. But they're working with us. If this gets through, to make sure we put those two original Amendments back on in the Senate."

Cross: "Well, Representative, why isn't it in its original form, then? Why are you amending it to do something that, essentially, is already done?"

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Franks: "It's not essentially done and I can tell you why it's not in its original form. When I first brought this Bill to the Executive Committee, it was sent to a subcommittee. At the subcommittee, when we discussed it, the two portions that we're bringing forth today were the ones that were determined that could pass. However, instead of calling that with the Amendment first, I called the original Bill and that was voted down in committee. Then, what I did, is I proposed other Amendments to put back the Bill in its original form which were both voted down in Executive Committee, therefore, it leaves this Bill."

Cross: "So you have taken out the prohibition on ATMs on riverboats, is that correct?"

Franks: "No, I haven't taken anything out. It was voted down. I had that Amendment on and it was voted down in Executive. I fought for that on a number of occasions."

Cross: "But it was in the original Bill and it's not longer in the Bill because of your Amendment?"

Franks: "Correct."

Cross: "All right. You also, at one point in the Bill, had the prohibition of loaning money at riverboats and horse tracks facilities and off-track betting facilities, that is no longer in the Bill. Is that correct?"

Franks: "That was voted down on two separate occasions. I had it in the original Bill and it was voted down. And then it was Amendment 3 and we put it back in and that was voted down. So we tried on a number of occasions to have that portion in, but it wasn't. So what I suggested is we pass this Bill so we can get it to the Senate so we can put those things back on."

Cross: "Thank you."

Speaker Hartke: "Representative Gash, are you a proponent or an

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opponent of this Bill?"

Gash: "I just want the record to reflect that on House Bill 4097 I double pushed the button and therefore, removed my intended 'yes' vote from the board."

Speaker Hartke: "The record will so reflect in the Journal. Representative Bost does not seek recognition. No one else seeking recognition, Representative Franks, to close."

Franks: "With the expansion of gambling that occurred last year, I think this is a real positive step to protect our citizens and not encourage felonious behavior by writing postdated checks at these institutions. I think this is very important. It's significant. I encourage everyone for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2884?' 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. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2884, there were 115 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The House will shut down now for a couple minutes at the request of Mr. Cross to fix the board. We will reconvene just as soon as the system comes back on-line. The House will be in order. On page 2 of the Calendar, appears House Bill 3131. Representative Lawfer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3131, a Bill for an Act in relation to townships. Third Reading of this House Bill."

Speaker Hartke: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. This is an initiative of the township officials of

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Illinois organization. Currently, under current law, townships over the population of 500 can appoint a plan commission. This amends that to say that any township can have a plan commission, can be appointed, any township in counties with a population of under 600 thousand. I'll be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner. Do you stand in opposition?"

Skinner: "Heavens no. This is one of the best ideas that's come down the pike this year. I refer, specifically, to the township planning commission idea. This Bill broadens that concept to the smaller townships of the state. The folks that live in rural areas may want to do what I'm trying to convince my townships with planning commissions to do and that is, get them to make an intergovernmental agreement with their county board, under which the county board would agree to follow the plan of the township planning commission. I think this is a, potentially, really good idea to keep county boards that do not have any representation, any direct representation, that is residents of the township on the county board from having views placed upon them or outrageous local entities like a *peaker* plant or a gravel pit or a garbage dump put in their township without their permission. I commend the Representative for sponsoring the Bill."

Speaker Hartke: "Further discussion? Mr. Johnson, do you stand in opposition?"

Johnson, Tom: "No. A point of inquiry, though, if I may?"

Speaker Hartke: "A point of inquiry."

Johnson, Tom: "I just want this chamber to take note. I have been here for eight years and I have been working on two

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seatmates. And I hope you all appreciate it today because Monique Davis is turning kind and gentle and Cal is becoming agreeable. So you can thank me. It's taken me eight years to reach this day. There's hope after all."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Lawfer to close."

Lawfer: "I think this is a Bill that has created a lot of camaraderie in the House."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3131?' 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 House Bill 3131, 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 2958. Representative Garrett. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2958, a Bill for an Act concerning vehicle brake usage. Third Reading of this House Bill."

Speaker Hartke: "Representative Bost, for what reason do you seek recognition? Okay. Representative Garrett."

Garrett: "Thank you, Mr. Speaker. House Bill 2958 establishes a statewide safety standard for the use of 'jake' brakes in Illinois. Currently, signs can be placed off the right-of-way that prohibit the use of 'jake' brakes making that exception for safety. By putting signs up that would ask trucks to limit the use of these 'jake' brakes in residential areas, we would make sure that our roads would be safer. I'd like to give you a little background on this particular legislation. Currently, in northern Lake County, where I live, there is a fork in the road where the

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tollway and U.S. State Road 41 meet and what happens often, is that trucks would prefer not to pay the tolls on the tollway and so they travel down Route 41, which is heavily residential. And they do this, as if, it is an interstate and sometimes they speed, but many times they're using their 'jake' brake as if they are on the tollway or any other kind of an interstate. By introducing this kind of legislation really what we are asking the truckers to be aware how important it is for communities to have quiet areas to make sure that the truckers aren't travelling too fast that they don't necessarily have to use their 'jake' brakes unnecessarily. But the underlying theme here is that this is a safety standard because, in fact, right now signs can be placed and are currently being installed on the tollway that do say, 'Quiet Zone, No 'Jake' Braking'. This does not prohibit the use of 'jake' brakes. This, actually, would work in tandem with what the truckers want because what we're saying is that we would like the 'jake' brakes to be restricted unless in case of emergencies. Currently, other states in the Midwest do subscribe to these kinds of provisions. Nebraska, Indiana and Kansas are just three of these states and as I already said, the Illinois tollway already has these signs installed. So for those of you who understand the necessity of having these kinds of signs, I would ask you to vote 'aye'. I also want you to know that this is not a mandate. That this is local control. In areas where I live, as an example, it would be up to each individual municipality to adopt a Resolution or an ordinance that would allow them to install these kinds of signs along state roads. Oh, come on. And I'm open to any questions you may have."

Speaker Hartke: "This Bill is on Standard Debate. Is there any

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discussion? The Chair recognizes Mr. Bost in opposition.
You have five minutes."

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

Speaker Hartke: "She will yield."

Bost: "Representative, we debated this long yesterday and I'm not gonna drag it out with a bunch of questions, but are you familiar with the federal legislation 49CFR, part 393.40?"

Garrett: "Not right now, no, Representative."

Bost: "All right. Well, let me tell you what that federal regulation says. It requires all trucks and buses to have a regular and secondary braking system that can be used by the driver at any time. Because of that, I'm afraid that your Bill is to the point that it will cause us to where we're going to try to override what the Federal Government has put in place. So you're asking to put signs out or to notify those drivers that they should disobey Federal Law by shutting their 'jake' brakes down while in those areas. Now, you can shake your head, but the reality is even those people that already have the signs out there are violating Federal Law. Now, if we pass this piece of legislation and... To the Bill, Mr. Speaker. Yesterday, in debate, we explained that 'jake' brakes work as a safety feature. They work as back pressure against the cylinders to slow down the motor and thus, slow down the transmission going back to the drive line and slowing down the wheels, instead of the brake system, which presses out against the drums to try to stop a vehicle which are more prone to failure. This is a safety feature. Yesterday, I quoted that it was said that at least 50% stopping power can be achieved by this system. That statement came from the Illinois Truckers (sic-Midwest), Don Schaefer and also, so you know this, that was quoted off of John Deere Insurance... a John

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Deere Insurance statement while they were working on some tests. The EPA has put noise limits in place for 80 decibels for 50 feet away. If these trucks are that loud then they are in violation, then we can use that law to stop these trucks from travelling those areas or to try to correct their problem by mufflerring, putting a muffler on, and not a straight pipe and I'm assuming that they probably got straight pipes if they're that loud. So those laws can be enforced. It's still a safety issue, Ladies and Gentlemen. New trucks being sold today, the 'jake' brake is so effective that 600 foot pounds of brake pressure for a 600 horse power engine that a truck can lose its primary braking system and then this system will bring the truck to a complete stop. Folks, I understand the good intent of the Representative. She is concerned about the noise level in her area. I don't believe that we should sacrifice safety for this Bill and that's what we're being asked to do. Noise or safety. Now, they're still within the federal guidelines on noise, but the first time that we have some car slammed into the back of because they couldn't get their rig shut down, then we'll be hearing about it very clearly. So take notice what this Bill does. I'm not... I know the Representative. I respect her. I know she's trying to do what's right, but this is wrong. It is wrong from a safety factor. It is wrong because you shouldn't be requiring a completely different set up in one community over another when it comes to safety in a case like this. I respectfully ask this House to vote this piece of legislation down. It does violate Federal Law and I would just encourage your 'no' votes. Thank you, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes

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Representative Jones. Are you in favor of this Bill? You stand in opposition. You have five minutes."

Jones, J.: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Hartke: "She will yield."

Jones, J.: "Representative, you said this was not a mandate, but I totally disagree with you there. But I think what you're trying to do is to go over the Federal Government's regulations that's in place. Would you not agree with that having seen what the federal regulation says?"

Garrett: "Representative, my intent here is to do what exactly what we're talking about and that is to make it more safe for people to travel along roads. By not putting these signs up, if a municipality wants to, you know this is totally local control, we are allowing municipalities to post signs that prohibit the use of 'jake' brakes. This does not prohibit the use of 'jake' brakes. It basically makes truckers aware that they shouldn't unnecessarily use 'jake' brakes, but, in fact, they should use their 'jake' brakes in emergencies. It's exactly what you want it to do. It's exactly what you want it to do because what we're seeing now... I can read you letters from different communities they are putting signs up prohibiting the use of 'jake' brakes. The truckers should be on board with this. It establishes a statewide safety standard."

Jones, J.: "Representative, they're doing it against Federal Law. You can do it right now as far as the State of Illinois is concerned. You can put up all the signs you want to in the state. I don't know why you think you need this Bill. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Jones, J.: "First off, if this Bill receives the Majority vote, I

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would ask for a verification on it."

Speaker Hartke: "Your request will be granted."

Jones, J.: "You know, for the past couple three years in the General Assembly here, one of the largest industries that we have in this state, along with agriculture, it seems like we try to do everything in the world to discourage that industry and encourage it to move out of this state. Now, if you folks will check with the Secretary of State's Office later on this year, you will see how many companies have moved out of this state due to the license fee increase that is being imposed on 'em. On a 80 thousand pound truck, that the Representative's talking about, on 'jake' brakes, which is the majority of the trucks that use 'em are 80,000 pound trucks, we're looking at a \$550 a year license fee increase. Now, later on today it looks to me like, on the Calendar, we're may have another Bill that's gonna come up that's gonna impose a thousand dollar fine on an emission control. Where are we gonna stop at running people out of this state that is employing the people of this state? I think it's high time that we voted to keep business in this state, quit running 'em out of the state as the Representative's trying to do. I've had truckers from all over this state callin' me sayin', 'don't let this Bill pass'. Quite frankly, folks, I think a 'no' vote is the appropriate vote. Everyone in this chamber should be voting 'no' on this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Durkin. Are you in opposition?"

Durkin: "I'm leaning 'no'."

Speaker Hartke: "You're in opposition. You have five minutes. Proceed."

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Durkin: "Thank you. The Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Durkin: "Representative, would you say that the impetus for this legislation is the noise on Route 41?"

Garrett: "Excuse me. I'm sorry. I didn't hear you, Representative."

Durkin: "You're doing this because of noise which comes off Route 41, correct?"

Garrett: "Initially, I decided to introduce this legislation because of that. And the legislation read specific to Lake County. Except, I received a phone call from the Illinois Municipal League and they said that they would be proponents if I made this statewide because they said this is a statewide issue and like me, they want the roads to be safer. There is a great concern out there that these signs are going up prohibiting the use of 'jake' brakes when, in fact, they don't necessarily have to be prohibited, they have to be restricted."

Durkin: "Nice filibuster. Okay. Real simple. It's because of noise, correct?"

Garrett: "Well, no."

Durkin: "Yes, it's a real simple question. You're doing it because you had people who complained to you about the noise on Route 41, correct?"

Garrett: "But let... well, it's a... no. I'm gonna explain that because this is a very important measure and it's important because the trucks that are travelling along state roads that have residential intersections should most likely be on the tollway, but they're not and so sometimes they are travelling too fast and many times they're using their 'jake' brakes. What we're trying to do is to satisfy the needs of the taxpayers of Illinois, the people that live

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around these roads, but also, understand that the truckers need to use the 'jake' brakes. It's a two-prong piece of legislation."

Durkin: "You know, I'd like to get a simple answer out of this. I mean, first of all, 'yes' or 'no', it's because of the noise on Route 41?"

Garrett: "It's a combination of noise and insuring that the roads are safer."

Durkin: "All right. So we're putting the noise on Route 41 above the safety interest which a 'jake' brake provides for these trucks which are allowed to traverse along that stretch of highway."

Garrett: "But, Representative, you make a very good point. Understand that these are local control issues."

Durkin: "Thank you for agreeing with me."

Garrett: "If in Lake Bluff or Waukegan or North Chicago, Lake Forest in my district, if they want to adopt an ordinance, they can do it. I don't know where you're from, wherever you're from, they could do the same if they want, but if they don't want to, they don't have to."

Durkin: "Does a nonhome rule community have to do this by referendum or can they do it by ordinance?"

Garrett: "It's all done by ordinance. It's an ordinance that's..."

Durkin: "Even for non... no distinction between nonhome rules and home rule communities?"

Garrett: "I think, home rules are exempt. The opinion is, is that they're exempt."

Durkin: "The opinion is 'yes' that you can do it by just action of the..."

Garrett: "Adopting an ordinance."

Durkin: "...from the board without having to do it through

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referendum, correct? Correct?"

Garrett: "Ordinance not a referendum. As an ordinance."

Durkin: "All right. Let's get back to... when we amended it yesterday, it says we're allowing them to restrict the use of the vehicle which has this type of compression brakes. Yesterday, you said it was advisory, but what would... when you restrict and you allow a local branch of government to make restrictions on these types of trucks, you are giving them the right to penalize a trucker who does have this. Now, isn't that correct? And that is the only way you can enforce..."

Garrett: "That's my point. I've said it."

Durkin: "...this law. And that's why you said yesterday it is advisory, but don't you agree that if we're gonna give 'em the restrictive powers, that there has to be some type of sanction or some type of enforcement mechanism against these truckers?"

Garrett: "You know, that's a really good point, but you can understand... I'm gonna be very frank with you, there is opposition from the truckers. I wish there weren't opposition from the truckers because this, actually, benefits the truckers. It benefits anybody that travels along a state road where there are residential intersection and safety and noise are concerns. It is a step, it is a baby step forward. But right now, we have nothing in place and you know what, we're one of the only states that does not have anything in place. We need to do a better job. These are enforceable. It's an advisory, you're right, but it's better having nothing at all."

Durkin: "I'm saying it's not advisory. What you're doing is that you're allowing the local communities to now create ordinances which are gonna assess fines against these

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trucks which are travelling along Route 41 or wherever else we want to go in this state. Once again, I want to make this very clear, are you restricting this to interstate or intrastate transportation?"

Garrett: "It doesn't really matter. I think the point here, Representative, is that there are noise issues in residential areas and there are safety issues in residential areas. I have worked for the last six months with the Midwest Truckers, IDOT and the Illinois Transportation Association from time to time to try to remedy this. And I'm working with..."

Durkin: "Well, it makes a big difference 'cause under the 'commerce clause', Ma'am, under Article 1 Section 8, it states that, 'a state cannot prevent some type of barrier from the free flow of interstate commerce'. So you're having trucks that are driving from Indiana, let's say, that want to get up to Wisconsin, use Route 41 and you're gonna place this restriction on an out of state truck. And that, Representative, is a clear violation of the commer..."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Coles, Representative Righter. Do you stand in opposition?"

Righter: "I have some questions for the Sponsor, Mr. Speaker."

Speaker Hartke: "Proceed. You may question the Sponsor."

Righter: "Representative, in your Bill states that any municipality or county may adopt an ordinance restricting the use of these 'jake' brakes."

Garrett: "I'm sorry. I can't hear you."

Righter: "In your Bill... can you hear that? Okay. There's a Section in there saying that any county or municipality may adopt an ordinance restricting the use of these. Do you

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know of any county or municipality now that has such an ordinance?"

Garrett: "I can read to you, I think it's Marengo, who tried to do this. They actually wrote a letter to IDOT and requested that they could put a sign up, exactly what I'm talking about. And that Marengo, actually, passed an ordinance. I have this, I can show it to you, and then IDOT told them they could not put a sign up so other communities have tried to do something like this. In addition, the tollway has two or three of these signs already in place. And I've heard that there are signs up in various locations throughout the state, but all of these are done illegally and that's the whole point of this legislation to insure that there's a safety standard in place so we don't have these signs that are scatter shot all over the state without any kind of understanding as to what the underlining agreements are on this."

Righter: "Representative, I'm not sure I heard you. Did you say that there's one city that's put on ordinance in place and that there are some signs up, but these are done illegally?"

Garrett: "No. What I said, Marengo and Marengo I guess is, in Representative Skinner's district, wrote a letter to IDOT requesting that they could put up a sign prohibiting, I think it was, the prohibiting the use of 'jake' brakes. They were under the impression, based on the statutes that currently exist, that they could do this. They, actually, passed an ordinance which I also have a copy of and then, when it came time to getting permission to install the sign, they were told they couldn't do it. So there is confusion across the board from municipalities who simply want to restrict the use of 'jake' brakes in residential

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areas. There is no standard. There's no safety standard in place at all and so communities like that are left with having to install these signs on their own, off the right-of-way and in many cases, without the permission of the state."

Righter: "So, if I can condense that down, Representative, are you saying that the Department of Transportation has told them that they can do it? They sent a letter saying you can do this?"

Garrett: "That's the problem. They said, in committee, this was exactly what came up."

Righter: "So IDOT said you can do this?"

Garrett: "No. IDOT has a statute in place that says they, that municipalities can put up warning signs along state roads. I don't know the exact wording. But when it comes time to do it, IDOT does not agree that that sign should be put up in regard to any kind of 'jake' brake restrictions prohibiting or whatever. And so that's the confusion that's out there. You brought up a very good point."

Righter: "So IDOT doesn't agree that we should be doing this, is that right?"

Garrett: "IDOT... it's confusing because in one regard IDOT says 'yes' warning signs can be placed in residential areas, wherever they want to be placed. But when municipali... this isn't against me, but when municipalities want to put these signs up, IDOT says 'no'. And I can show you the correspondence from Marengo and for that matter, other communities, where they have tried to work with IDOT, but since there's no..."

Righter: "Why has IDOT said they're not going to put the signs up?"

Garrett: "It has to do with enforcement of speeding trucks. I

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can read you the paragraph, if you would like, if you'd just give me a second, I've got their letter."

Righter: "Okay."

Garrett: "Okay. This is dated December 28th, 1999. To Donald Craney, the Director of Public Works, City of Marengo in Marengo, Illinois. It says, 'We feel that the use of engine braking is directly related to vehicle speeds and the driver's desire to decelerate quickly when approaching an intersection. It would be more feasible to address this problem by enforcing the posted speed limits rather than by the use of the implied threat of additional regulatory signs. Citations issued for speed violations are much more likely to be upheld in the courts. We suggest that local and state police address the problem of vehicle by intensi..."

Speaker Hartke: "Finish your remarks."

Garrett: "...of the existing speed limits."

Righter: "Mr. Speaker, can I ask for an additional five minutes because of the length of the answers. I understand she's trying to explain her answers and the noise in here, I'm having some prob..."

Speaker Hartke: "Mr. Righter, this is on Standard Debate. You're one over now. You have 44 seconds."

Garrett: "So you can understand how confusing it is. This community is not even in my district and what they're really looking for, Representative, is a standard, a way in which they can have access to these kinds of signs if, in fact, they need them. And so after working with all of these organizations, we've tried our hardest to come to consensus on it and this is the best we can do. We thought it would satisfy the truckers. We know it satisfies the municipalities. We know it satisfies the citizens of the

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state and hopefully, I'll get an 'aye' vote from the Members of the General Assembly."

Righter: "Representative, several times you have used the phrase in debates not today and another one of a statewide standard or..."

Speaker Hartke: "Representative Garret, to close."

Garrett: "I'd like to give the Representative my time if he would like to finish asking me a question."

Speaker Hartke: "Representative Garrett, do you want to close?"

Garrett: "Well I know that many of you are going to vote against this and I think, many of you have been lobbied by the truckers, but, in fact, this kind of legislation will be supportive of the truckers interest. It is clearly a safety interest. It's clearly establishing for the very first time a standard of safety for the State of Illinois. I ask that you support this. It works on two levels. It supports the safety issue and it also supports the noise issue. It is local control. There are no state mandates. And I really ask for your 'aye' vote. Thank you very much."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2958?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Vote your own switches. There has been a verification requested on this measure. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2958, there are 49 Members voting 'yes', 67 Members voting 'no'. Representative Garrett."

Garrett: "I ask for Consideration of Postponement (sic-Postponed Consideration)."

Speaker Hartke: "Postponed Consideration. House Bill 3005. Representative Myers. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 3005, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Myers."

Myers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3005 amends the Illinois Vehicle Code. It permits a vehicle to tow two empty trailers on the roadways of the State of Illinois if the overall length of the vehicle and the trailers is less than 60 feet and the trailers are being towed from the trailer manufacturer to the trailer dealer. It requires a second division vehicle that tows two empty trailers to possess a ball hitch and towing assembly, requires all the vehicles, all the vehicles in the combination to be properly equipped with operating brakes and safety equipment or safety chains, working lights and additional trailer brake equipment. I ask for a favorable consideration."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Giglio."

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

Speaker Hartke: "He indicates he will."

Giglio: "Representative Myers, what's the generation of this Bill? Where'd it come from? The suggestion for it?"

Myers: "Representative, in the state, currently, there are a numbers of dealers primarily those who sell livestock trailers and other small type of trailers that bring the trailers in from a neighboring state, maybe Iowa, maybe Missouri, maybe Indiana. And when they come from those states, they can come to the Illinois border towing two trailers, but when they get to the Illinois border then they are required to unhitch one of those trailers. We are the only state in the Midwest that, currently, will not permit two trailers to be towed in tandem and consequently,

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it increases the costs of transportation of those trailers and consequently, then increases the costs to the purchaser."

Giglio: "What size trailers are we talking about?"

Myers: "Well, the size of the trailer itself is not all that consequential, at this point, the overall length of the towing vehicle and the two trailer combination cannot exceed 60 feet."

Giglio: "Is that current law, 60 feet?"

Myers: "Yes, that is current law."

Giglio: "So we're not expanding that?"

Myers: "We are not expanding that."

Giglio: "So the trailers themselves, typically, it's not gonna be any longer either the two trailers wouldn't be any longer than 20 feet, 20 and 10 or 20 and 15 say and plus the vehicle."

Myers: "That is correct."

Giglio: "Is that correct?"

Myers: "The overall combination of the three vehicles can be no longer than 60 feet."

Giglio: "All right. Representative Myers, we've already got, in Illinois law, we allow recreational vehicles and a trailer to be towed behind a towing vehicle, but we require a fifth wheel. Why not pattern your legislation off of that?"

Myers: "Representative Giglio, that's a very good question. I'm glad you asked that. The problem with that particular part of the statute is that most livestock trailers and other trailers of this type are not fifth wheel in nature. Now, they may be a gooseneck trailer, like the fifth wheel recreational campers, but they have a ball hitch in the cargo bed rather than the fifth wheel assembly. So going to that particular part of the statute and applying this to

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the livestock trailers and the other maybe overall general purpose trailers would not allow the current dealers to tow the two trailers to their place of sales."

Giglio: "What about an adapter to go from that trailer to..."

Myers: "I'm sorry. I didn't hear you."

Giglio: "What about some sort of an adapter to go from that trailer to that set up as is on recreational vehicles? Now, maybe I'm unclear. That ball hitch you're talkin' about is inside the bed of the truck or is it hangin' outside on the bumper?"

Myers: "Well, with the goose neck trailers, the ball hitch would be in the bed of the pickup. It's similar to the fifth wheel except that it's still called a ball hitch and the ball is in the bed. This Bill would also permit the ball hitch to be on the bumper of the towing vehicle. The towing vehicle would be required to be a second division vehicle of 8000 pounds or greater, commonly called a pickup truck or larger and the ball hitch assemblies would be required to meet all safety standards and weight requirements."

Giglio: "Is this the only way to get the trailers from dealer to dealer or are there any other ways? Is there another safe way to transport 'em?"

Myers: "That is, I suppose it's not the only way, it is the most common way and it is the most preferred way because that's the way the other states, completely surrounding us, allow that. And so the dealers in this state and other states that transport to and from the manufacturer to the dealer commonly use this and I don't think, use any other method to any great extent."

Giglio: "All right. You said that all the states around us allow this? Your Bill? Is that correct?"

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Myers: "Yes."

Giglio: "Do you have any data on accidents or lack of accidents in the neighboring states on this issue because of this or not because of this?"

Myers: "I do not have any data on accidents in other states because of this, but I would assume that as long as it's been in their laws in the other states that if there were a problem, that they would take corrective measures and to my knowledge, none of the states have done that. Let me also point out, that this is only under one condition, Repre..."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Hamos."

Hamos: "Thank you, Mr. Speaker. I would like to continue on with that line of discussion and ask the Sponsor what he was about to say, that this is only under one condition and what is that, Representative?"

Myers: "This is only under one condition and that is the transport of brand new trailers from the manufacturer to the first point of sales, meaning the dealer. This does not permit previously sold trailers, this does not permit farmers or landscape people to tow two vehicles that have been sold to them and are currently in use. This only goes from the manufacturer to the first point of sales."

Hamos: "But Representative, it does apply to all kinds of trailers. Is that correct?"

Myers: "It applies to all kinds of trailers within the 60 foot required maximum length."

Hamos: "So this is not just for livestock trailers."

Myers: "It will be for small general purpose trailers whether they're livestock trailers or maybe some flat-bed trailers that, like I said, various people that use in their general course of the business. It could be a 10 foot trailer that

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they haul lawn mowers on or a yard landscaping equipment or things like that."

Hamos: "And it is available... they will be able to use any of the roads in Illinois. Is that correct?"

Myers: "That is correct."

Hamos: "Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

Hamos: "I don't usually stand before this Body to argue on a Bill that affects the transportation industry or, in this case, the trailer industry. But sitting on the Transportation Committee, I did become concerned that some of the safety issues that were raised for us by the Illinois Department of Transportation were not being adequately addressed. What the Illinois Department of Transportation has proposed is an Amendment that was not accepted that would have made these much more stable and would have avoided the possibility of a whipping factor on the roads. And I, for one, would not want us to be responsible for voting for a Bill that, God forbid, would harm a family that would be travelling on the same road as one of these trailer attachments without us really paying attention to what this is. This Bill could have been improved and for some reason, the improved Amendment was not accepted and because of that, I believe, that this Bill really poses serious safety problems for our roads and for our families traversing those roads. And I urge a 'no' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman. You have five minutes."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Hoffman: "Yes. Representative, I know that we had talked about

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this, I believe, after committee and it's my understanding, there was, indeed, an Amendment that was put forward that would change the type of vehicle that can tow these trailers so that it would be limited to a second division vehicle which would mean a truck or something better than that. But I also thought, maybe I was wrong or I wasn't listening close enough, it was also my understanding that the issue with regard to the type of mechanism that would hitch the trailers together was going to be taken care of. Did I misunderstand or... "

Myers: "Representative, I think you maybe misunderstood. We were going to talk about that and we did, in fact, put the technical Amendment on to correct the towing vehicle aspect of it. In further discussions with IDOT, and they kept insisting on the fifth wheel aspect of it and even if they would have agreed upon the goose neck portion and the ball hitch in the cargo bed, that doesn't address all of the situations in which livestock trailers are towed. And there are many times when you have two small empty ball hitch livestock trailers that could be towed by a pickup truck and if they kept insisting on the fifth wheel version of it, there are no livestock trailers, that I'm aware of, that are fifth wheel in nature, they're all ball hitch in the cargo bed."

Hoffman: "But it's my understanding though, they could be either retrofitted or made to fit the fifth wheel assembly fairly cheaply. Isn't that correct?"

Myers: "Representative, I'm not aware of that. I would assume that if they could be done that way, they could be manufactured that way and I don't know of anybody manufacturing a fifth wheel livestock trailer."

Hoffman: "The information that I thought and I don't remember if

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it was in committee 'cause we had many Bills, I think, that day. The information that either I got that day or subsequently have received about the fifth wheel assembly is that it would be like a \$500 cost and it could be changed from one towing vehicle to the other or one towed vehicle to the other and therefore, would take care of the problem with what the previous speaker, Representative Hamos, talked about, the whipping problem and would have taken care of IDOT's concerns. Am I incorrect in that cost estimate?"

Myers: "Representative, I'm not aware of the figures that you are stating at this point. You may very well be correct. I just am not aware of those figures."

Hoffman: "Well, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Hoffman: "I wanted to publicly thank the Sponsor for making some of the changes that we had talked about, specifically, changing the towing vehicle, making sure that it would have to be something bigger than just the regular car. However, I share some of the previous concerns. It's my understanding, and I surely don't want to stand before you as an expert, but it's my understanding, there are legitimate safety concerns. We just had a debate about the 'jake' brake Bill and people on both sides of the aisle stood up concerned about the safety concerns by doing something like that. It's my understanding that, IDOT has an answer and I think that, the Representative will be well-served to look at amending this to do either the fifth wheel assembly or something that we're talking about that would insure that the whipping action that is a concern and a safety concern would not occur. So I reluctantly stand against this Bill, not because I believe that the Sponsor

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is in bad faith moving this forward, I just think that maybe we could do something better and I'd be willing to work with him to do something better, but at this time, I'm gonna have to vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Sangamon, Representative Poe in support of the Bill."

Poe: "Mr. Speaker, will the Sponsor yield?"

Speaker Hartke: "Yes. Sponsor will yield."

Poe: "Representative, isn't it true that there's a big concern here, we're talkin' about a trailer's whipping that generally anytime you would have that you'd have an independent steering axle on the front of a trailer which a livestock would not have that independent axle for steering?"

Myers: "That is true. The difference between those trailers that you're talkin' about and the trailers that we're talkin' about in this Bill, is that all of these are... the frames are rigid and the axles are set in rigid style. So contrast it to say, for instance, a farm wagon or a hayrack that as you said had an independent steering axle on the front, if that axle or those wheels are somewhat out of alignment, that will exacerbate the whipping action. There is no steering axle on these vehicles or on these trailers that would cause that whipping action. IDOT has indicated they think that wind could cause that whipping action, but there's been no proof or evidence that, in fact, that does occur on trailers of this type especially when they're brand new empty trailers."

Poe: "Is it, also, if you would put a fifth wheel axle between two trailers to hook that trailer onto, aren't you actually putting an extra axle in the system that might cause

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actually more of a safety hazard than hooking them trailer to trailer?"

Myers: "That would be very logical, yes."

Poe: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Poe: "I think what we got... the situation we have here is this economically good for dealers and what happens there is, they can pass on that economic gain to their customers. Every state around us has this law that where they can pull two trailers at a time. I don't think there's a safety factor. I think that people aren't aware of trailers is there's no steering axle on a trailer that you're pulling. And when you usually have whipping, those of you that have been involved in agriculture, when you see wagons or something going down the road and they are whipping, that is because there's a steering axle. The steering axle on a trailer like this would be actually on the truck and it's directly fitted to the trailer. So, I think that, those concerns you have of the whipping and being unsafe are unfounded and I'd ask you for a 'yes' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Erwin. Are you standing in support or opposition of this Bill?"

Erwin: "Opposition."

Speaker Hartke: "You'll be the final person to speak in opposition. You have five minutes. Proceed."

Erwin: "Well, I certainly don't plan on taking five minutes. I just wanted to briefly, with all due respect to the Sponsor, encourage people to vote 'no' on this. I do think that there are significant safety concerns with this Bill and for any of us who have travelled on two lane highways where trailers swerve back and forth, I really do think,

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Representative Myers, that it would serve you well to sit down with IDOT and answer the concerns. I'm afraid that too frequently we don't pay attention to their significant concerns about public safety on the roads only to find out later, when there are serious accidents and we ask ourselves, 'Well, how could we have allowed that to happen?' that possibly being more cautious at this end, would have helped. So I, too, rise in opposition and would encourage you to sit down with them and look for the solutions that will make what you want to do safer because there are ways to do this that really will make sure that our roads are safer. Please vote 'no'."

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

Myers: "Ladies and Gentlemen of the House, I ask you to consider several things. First of all, it requires a second division vehicle for towing. Secondly, these are your brand new trailers and they're only going from the manufacturer to the first point of sales, brand new trailers with full safety equipment, brakes, lights, chains, et cetera. Currently, in the State of Illinois, we already allow double trailer hitching. We have semis on the roads today that have double trailers and they have a steering axle in the front which, sure it sits on a fifth wheel, but you have much more chance of whipping with those kind of trailers than you do with the trailers that we're talking about. We do allow recreational vehicles, via the fifth wheel on the first trailer and the ball hitch on the second trailer. We allow anhydrous ammonia tanks to be pulled on our highways and farm roads. Those, Ladies and Gentlemen, have steering axles on the front. They are towed at anywhere from 20 miles an hour to 40 miles an hour, two

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vehicles being pulled by a pickup truck. We allow farm wagons to be towed by a pickup truck in tandem. So we have set the precedent in the State of Illinois. IDOT's concerns about whipping, I think, are somewhat unwarranted and unfounded in view of the fact that these are brand new trailers and fully equipped with the safety equipment. I ask you to think about the precedence that we've already established in the State of Illinois and whether or not you think that those accidents or there have been any serious accidents by the result of that. And I just ask for your favorable consideration."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3305 (sic-3005)?' All those in favor simply vote 'yes'; those opposed vote 'no'. 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 House Bill 3005, there are 36 Members voting 'yes', 77 Members voting 'no' and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared lost. House Bill 3009. Representative Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3009, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Novak."

Novak: "Thank you, Ladies and Gentlemen, Members of the House. This issue has been around before. It's been in other General Assemblies. One year it was passed and put on Governor Edgar's desk, but at that time, that Bill was a little bit more strident than the one we are presenting here today to you. I would like to say that this Bill only applies and if I can have everyone listen to me carefully

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because it does not imply... apply to the entire State of Illinois. It only applies to the areas of the state where the air quality is the poorest, where the areas of Illinois are designated as nonattainment areas. And those, essentially, are... those areas are Cook County, the collar counties and the Southwestern Metro St. Louis area of Madison and St. Clair Counties. There is an agricultural exemption in here so it does not affect the agricultural community. There is also an 18 month window in here. So there's 18 months for the municipalities to prepare themselves to act on banning landscape waste burning. We have the Illinois Municipal League, for once. Its always been opposed to this Bill, Ladies and Gentlemen, but the way this Bill has been written and Representative Moore and myself have put a lot of time in this, the Illinois Municipal League is neutral on this Bill. The West Central Municipal Conference is neutral on this Bill and the other municipal associations in Northeastern Illinois. The American Lung Association supports this Bill. The Chicago Lung Association supports this Bill. The Illinois Environmental Council supports this Bill. The Sierra Club supports this Bill. The Illinois Association of Fire Protection Districts supports this Bill. The Associated Firefighters, the full-time firefighters in Illinois, members of organized labor, support this Bill. We believe this is a very reasonable approach to a very burning issue, no pun intended here, but this is a burning issue that's lasted for many years in this state. Twenty years ago peoples' attitudes were different, but we know our demographics are changing in this state. Undeveloped areas are growing by leaps and bounds. And this issue is hot as a firecracker in some areas such as Lake County and other

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areas where you have concentrations of development and population growth. So we think this is a very reasonable approach. It's a very, very important public health issue. Asthmatic children, senior citizens with respiratory illnesses and diseases cannot leave their homes when leaves and landscape waste is being burned in their neighborhoods. What's happening is that in some underdeveloped or overdeveloped areas, which are still unincorporated, people burn their leaves and they're right next to an adjoining municipality that has a leaf burning ban ordinance and most of this smoke goes into those areas aggravating peoples' illnesses. Little children can't come out of their homes, the elderly people are afraid to come out of their homes and enjoy everyday life. So let's stand up for some good public policy in Illinois. Let's stand up to help people that have illnesses. Let's contribute, once again, to helping cleaning our air in Illinois. Last year we had the truck emissions test requirements. This year we're gonna go a little step further. You know, we still have a lot of power plants in this state that burn coal and that's another issue we want to deal with after Session is concluded. But this is a small, modest step we can all take today to help our citizens with a major health issue. So I'll ask you for your support and be more than happy to answer any questions."

Speaker Hartke: "The Chair recognizes Representative Hamos for an announcement."

Hamos: "Just a point of personal privilege. You're invited to have delicious dark roast coffee, while it lasts, with real cream."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Andrea Moore. Do you stand

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in opposition to this Bill?"

Moore: "No, Mr. Speaker. I would like to..."

Speaker Hartke: "You're a proponent. You have five minutes."

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

Speaker Hartke: "Sponsor will yield."

Moore: "Thank you. Representative, as you mentioned, the Municipal League is neutral on this Bill for the first time and there are provisions that allow for local control for this issue, but we want to make sure that there aren't any confusing facts regarding this so I have a few questions for legislative intent."

Novak: "Go ahead."

Moore: "Will this legislation allow units of local government that have leaf burning ordinances in place, at the time those PCB rules are adopted, to amend their leaf burning ordinance?"

Novak: "Yes, it does, Representative."

Moore: "And does this mean that a unit of local government may amend their ordinance to make it more stringent?"

Novak: "Yes, it does, Representative."

Moore: "Or could they amend it to make it less stringent?"

Novak: "Yes, Representative."

Moore: "All right. So, for example, should a unit of local government wish to change the ordinance to state that there is no leaf burning on Saturday to there's no leaf burning on Friday, they can do that?"

Novak: "Yes, Representative."

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

Speaker Hartke: "To the Bill."

Moore: "And to my fellow Members of the House of Representatives, for the years you see me stand up, in the Ag Committee talking about leaf burning, I want you to know that, in

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fact, the agricultural areas are not included in this. The farmers are exempt in this piece of legislation. For those of you that have seen me in Energy and Environment, the issue of natural resource habitat protection is also not covered by this, but the public policy issue in our nonattainment areas in these counties is really important. From a statewide perspective, we should be banning leaf burning because it has such a profound affect on health. For example, in Lake county, you have about a hundred thousand residents with chronic and acute lung disease such as cancer, emphysema, bronchitis, asthma and pneumonia. Lung cancer is one of our top cancers in Lake County and the health department reports that 25 to 30 thousand individuals have asthma and there were 15 asthma deaths last year. The latest state study done on the affects of leaf burning show that proximity of leaf burning was a factor for the patients. Treatment needed from exposure to leaf burning requires more than one visit to a health care provider and leaf burning is not without significant financial cost and in Lake County it's actually estimated that there was approximately \$6 million spent annually. The health issue alone, regarding leaf burning, appears to make this an easy decision; ban leaf burning in these areas, in the nonattainment areas. When you can't breathe, nothing else matters. And I would respectfully ask for support for this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Hartke: "Sponsor will yield. Do you stand in opposition or..."

Cross: "I don't know right now and I'm not sure."

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Speaker Hartke: "Proceed. You have five minutes."

Cross: "Thank you. Representative Novak, I really have some questions because of Kendall County's, actually, right through the middle of our county we've got or at least, the northeastern section of our county, falls into, what I believe is defined as, a nonattainment area. First of all, with respect to the agriculture issue and once again, because of my county it's diverse and it's changing. Anything that you would traditionally burn on a farm for agriculture purposes is not prohibited under this Bill. Is that correct?"

Novak: "That's correct. Let's say, for an example, there was a farm, you know they're dwindling within the nonattainment areas, but let's say a farmer wanted to burn off some dead brush in a creek and his farm was in the nonattainment area. He would be allowed to do that. Or if he wanted to burn a tree or a pile of, you know, landscape waste that he collected, he'd be exempt."

Cross: "So even if Kendall County takes absolutely no legislative actions at county board and your Bill becomes law, the farmer can continue to burn as he or she always has, even if they're in the nonattainment area?"

Novak: "Correct. There is an agricultural exemption and the Farm Bureau is neutral on this Bill."

Cross: "All right. Now, for the nonfarmer and once again I've got a county that... it's split, so to speak. Will, if under your Bill, it's only the nonattainment portion of Kendall County that is prohibited from burning?"

Novak: "Yes. Right. And the nonattainment areas, Tom, are defined... Now, let me just make this clear. The areas where you have to have your cars tested, they're defined by zip codes, okay? The nonattainment area as defined by the

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U.S. EPA standards and our own state agency, they're a little bit larger, but they're defined by county and township lines which makes it much more easier to enforce because there's an administrative citation provision in here. It's like giving someone a traffic ticket."

Cross: "Unfortunately, in Kendall it's not as clear cut, Phil and that's why I'm being a little careful on this. So you talk about units of local government, Kendall County is a unit of local government for purposes of this Bill. Is that correct?"

Novak: "Absolutely."

Cross: "So it's possible on your Bill that only and this is what I'm troubled by, that only a certain section of the county's gonna be banned."

Novak: "Tom, I know what you're getting at. This Bill requires the local governments to act within 18 months, 'cause we're gonna give 'em an 18 month window, that's a year and a half. It requires the local governments to act on this issue whether it's at a village board, a township board or a county board. It requires them to act on this issue and regulate this issue."

Cross: "So Kendall County Board will only have to regulate that part of the county..."

Novak: "No, it can regulate the entire county."

Cross: "But it's mandated to regulate only that portion of nonattainment area so..."

Novak: "Well, what I was trying to say, if the Kendall County Board doesn't have a leaf burning ban ordinance right now, during this 18 month period, Tom, they could enact one and they could even allow it for maybe one or two days, whatever the board requires. That's the purpose of this Act is to make them regulate this."

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Cross: "All right. But the ban that goes into effect, if they take no action in 18 months, well, if they take no action, only applies though to the nonattainment areas. The rest of the county in the attainment area is not gonna be banned. Is that correct?"

Novak: "Correct. I mean, when the county enacts an ordinance, I believe, I don't know, it's a little noisy in here. Maybe I didn't hear you correctly, Tom. But when the county enacts an ordinance, it's ordinarily for the unincorporated areas of the county, to regulate."

Cross: "I just want to make sure, Phil, that your interpretation is that we could pass an ordinance then, or the county board can pass an ordinance on leaf burning that applies to only one portion of the county."

Novak: "Yes, unincorporated areas, yes."

Cross: "Unincorporated, nonattainment areas."

Novak: "Correct."

Cross: "That's the only part that this applies to."

Novak: "Correct."

Cross: "All right. Who enforces violations on this..."

Novak: "It could either be a combination of the state EPA or the local police agencies. It's an administrative citation. If you look in the Bill, there are three fines. I think, the first fine is a hundred dollars. The second fine is 250 and the third fine is 500, I believe. And it's an administrative citation, something very similar to a traffic ticket. And then if the local government issues the ticket, they get to keep 50%, I understand, just like it is now when they issue traffic tickets or citations."

Cross: "Well, I'm out of time, but..."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Representative Beaubien."

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Beaubien: "Yes, thank you. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Beaubien: "What concerns me about this Bill is that Lake County, Illinois spent several months and actually, years working on a potential leaf burning ban. And they voted, within the last few months, 15-6 not to ban leaf burning so they don't have an ordinance. Under your Bill, now, they're gonna have to have an ordinance. So you're mandating that they go back into session and create an ordinance which may, in fact, say we allow leaf burning. Why are we doing that?"

Novak: "Well, we're trying to... "

Beaubien: "They've already done it. They've said we don't want it."

Novak: "Representative Beaubien, I mean, Lake County is only one part of the state that's in a nonattainment area and you know, I can't control or you can't control what the Lake County Board does. Maybe Andrea Moore can speak to that. But the thing is that this gives the local governments 18 months to act on this issue and regulate it."

Beaubien: "I understand that, Mr. Representative, but they already have. They've had months of hearing and they said, 'We do not want to have a leaf burning ordinance. Those in the unincorporated areas can burn leaves.' Now, you're saying they've got to go back in and redo it. And I would suggest to each and everyone of you, what's a noncontainment area today or noncontainment or containment may be one tomorrow. This is the beginning of a long slope of regulated leaf burning throughout the State of Illinois. And I just find it very difficult to understand why, after Lake County, which in committee was clearly the county this was targeted at, has to go back into session and make a

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statement on leaf burning when they've already made it."

Novak: "Well, Mr. Beaubien, Representative Moore just indicated to me that the Lake County solid waste agency just voted to support this Bill."

Beaubien: "They're not the Lake County Board."

Novak: "Well, I know, but I'm..."

Beaubien: "There's one or two members on that board who supported leaf burning, went around the circle, got the solid waste management to recommend it. Now, Lake County's gonna have go back into session in the next 18 months and do it all over again. And that's a mandate and it's a total waste of time. And this Bill is aimed at Lake County, you've just admitted that."

Novak: "It's not aimed at Lake County. It's aimed at the areas where the air quality is the poorest. Isn't it about time we start helping cleaning up the air so our people can breathe a little easier? Isn't it about time we can let our kids come out of the front door and play? Isn't it about time we can let our elderly people come out and enjoy life? That's all it's about."

Beaubien: "Let's not talk about the compassion issue. That's up to the county board and they've already addressed it. I have no further comments."

Novak: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Garrett."

Garrett: "Will the Sponsor yield?"

Novak: "Yes."

Speaker Hartke: "He indicates he will."

Garrett: "Representative Novak, my question, I'm also from Lake County and I represent an unincorporated area. I stand up in support of your measure, I will add. But my concern is

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that they don't have any way in which to dispose of their leaves. Many of my constituents have called me with this concern because there is no place for them to take their leaves. They have no place to go with their leaves. They can't burn their leaves and they feel that it is going to be an added cost to them that they feel is being imposed on them, somewhat like a state mandate. So can you help me out here."

Novak: "Well, I know that's a concern and that's why Andrea Moore and I decided to put an 18 month window in this Bill not to ram something down some lower government's throats and allow them to prepare for this over a year and a half. There is gonna be some type of a cost to this. A lot of communities are already moving to this either by encouraging their citizens to mulch their leaves or compost them in their backyards or a county-run compost facility. We talked to the EPA about providing educational materials to promulgate those in these areas that it's gonna affect to educate people on how to take care of these leaves and mulch them and compost them, but right now there isn't any grant money in this Bill."

Garrett: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of Representative Novak's good Bill. A few years ago as a result of some children dying, who were breathing in toxins from leaf burning, some residents from around the state put a coalition together and came to my office. This was one of the greatest grassroots efforts I had ever seen in trying to pass a Bill in the General Assembly. These were just ordinary people in Illinois, no lobbyists. They

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did the work themselves, but they were concerned about their children because some had been suffering badly. And we worked very hard and we passed the leaf burning ban which was much more expansive than this one, dramatically more expansive than this one. And that Bill passed and was vetoed by the Governor for reasons that I still don't understand. At any rate, Representative Novak together with Representative Andrea Moore have worked hard to put together a Bill that's reasonable. Our children are out there playing breathing air. We have workmen, tradesmen working outside. We're outside. People have to breathe the air of the State of Illinois. We cannot continue to ignore the fact that there are toxins in our air, that the air is polluted. We must do something about it. There are many Bills you could put forth to control air pollution that would affect business. That would say that business can't emit particles of certain sulfurs and certain chemicals more than some limit. This Bill doesn't do that. This Bill just simply talks about leaf burning. It talks about what we can do in our own communities, at our own homes, all around Illinois to make the air safer for our children and for ourselves. This is a reasonable approach. We need to keep the air clean so that we can breathe it and so that our children will have safe places to play. I suggest you vote for the Bill. I think it's a reasonable approach."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Representative Osmond. You stand in opposition?"

Osmond: "Yes."

Speaker Hartke: "He stands in opposition."

Osmond: "I'm just gonna address the Bill."

Speaker Hartke: "To the Bill."

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Osmond: "Lake County did an extensive surveys. They held public hearings all over the county. Many of the municipalities in Lake County have already banned burning of leaves. They went out and they found several problems with the burning of leaves, not the least of which was, the economic hardship on a lot of the seniors for being able to get rid of leaves in their yards. There were many hearings all over, particularly, out in our districts and Representative Beaubien's and mine. The Lake County board looked at it for a long time and decided not to ban the leaves and they said they would look at it if they could find other means of getting rid of the leaves. And until they do that or until they can come up with some economic assistance to help people get rid of leaves, I would stand opposed to the Bill. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Hassert."

Hassert: "Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Hassert: "Does this pre-empt home rule or will this require 71 votes?"

Speaker Hartke: "I'll check with the Parliamentarian. Representative Novak, to close. We will get back with the answer before we vote."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. As I indicated, this issue has been around for a number of years. It's been tried, you know, by many people. We've taken a different approach to this Bill. It's a very modest approach. I talked to the Governor's Office and they are very interested in this Bill. And I've just recently been advised by the latest statistics that asthma, people that have contracted asthma, those statistics have

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risen dramatically in northeastern Illinois and you know what contributes to asthma, the toxins in landscape waste that burns. You know, when it burns, people cannot go outside their doors. You know how it smells. You know what the toxicity is. You know the inconvenience of it. Many, many communities are doing this on their own and that's admirable, but many, many communities are not. And what's occurring in the Northeastern Illinois and the southwestern part of this state is massive development, massive population growth where farm fields are subdivided and subdivisions are created and much burning is going on. The reason why the firefighters are for this Bill 'cause many of these fires get out of control and cost local governments thousands of dollars because they have to expend energy and manpower and services to put these fires out. So let's be modest. Let's take a reasonable approach to this. Please give us an 'aye' vote. This is a good vote for helping clean up dirty air. Thank you very much."

Speaker Hartke: "Mr. Hassert, the Parliamentarian, the Speaker has determined that this requires 60 votes. It does not pre-empt home rule. The question is, 'Shall House Bill 300 (sic-3009) pass?' All those in favor vote 'aye'; 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 House Bill 3009, there are 89 Members voting 'yes', 26 Members voting 'no', 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4020. Representative Hoeft. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4020, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment

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#1, offered by Representative Hoeft, has been approved for consideration."

Speaker Hartke: "Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Amendment #1 is an Amendment that turns this into a shell Bill and in order to explain the Amendment, I have to explain the basic Bill."

Speaker Hartke: "Would you like for Representative Cowlshaw to explain the Amendment? It's her Amendment."

Hoeft: "That would be fine."

Speaker Hartke: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I introduced this Bill originally and Representative Hoeft has agreed to take over the sponsorship because of some misunderstanding about Bill numbers and things. So, let me just briefly explain what the original Bill was. It deals with the issue of whether a unit of local government, like a city council, a park board, a school board can, if it has specific concerns about any complaints about its annual levy whether or not that entity ought to have the opportunity, if it chooses to do so, to hire its own attorney to represent it in dealing with those objections as compared with simply using the typical procedure. I think we are very close to reaching an objection. We have satisfied most peoples' concerns, but we do need just a little more time to make sure that there is nobody left out there anywhere whose views have not been taken into account and who is not satisfied with whatever it is that we are gonna finally be able to do. And so, Mr. Speaker, in that regard since we do all know that if we send this to the Senate as a shell Bill, it has to come back here for concurrence, anyway and we will ultimately get to vote on it. I would ask that we adopt

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this Amendment so we can send it over there as a shell Bill and provide a little more time for negotiation. And my gratitude to Representative Hoeft for becoming this Bill's Sponsor. I move for the adoption of Floor Amendment #1."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Mr. Speaker, it's my understanding, in committee, this Bill was not gonna move beyond Second Reading until there was an agreement by the parties so affected and maybe I could ask the Sponsor a question or the Sponsor's friend?"

Speaker Hartke: "Would the Sponsor of the Amendment like to answer that?"

Cowlshaw: "Thank you."

Biggins: "Representative Cowlshaw. Has there been an agreement between the parties that were mentioned in the committee debate?"

Cowlshaw: "Yes, Sir. There was an agreement that we would not move this Bill until there had been some agreement. And partly, that was because at that time there were some objections that we had not heard from yet and because the situation in that regard has changed, it is still not my intention to move this Bill out of this chamber without the complete vote by the House on this floor. But because we had more objections to deal with than we had envisioned to begin with, I am simply asking, by this Motion, to send a shell Bill to the Senate only to give us more time to arrive at an agreement. And I think that since the situation changed, it is not unreasonable at all, to ask that I simply be given this time extension."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House

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adopt Amendment #1 to House Bill 4020?' All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 2961. Representative Smith. Representative Smith. Out of the record. House Bill 2902. Representative Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2902, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Cross."

Cross: "Thank you, Mr. Speaker. The Amendment became the Bill this morning and we adopted. This simply applies to background checks for schools and park districts before they hire. We limited this Bill after some concerns were raised by Members of the Education Committee and the IEA. I think we've addressed those appropriately. And as I said, it provides for a certain amount of information to be eligible to a school board or a park board prior to hiring employees and we've limited it to felonies and in some cases, only felonies within the last seven years. I'll be glad to answer any questions. And I'd appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2902?' 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 House Bill 2902, there are 118 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having

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received a Constitutional Majority, is hereby declared passed. House Bill 29... The Chair recognizes the Gentleman from Logan, Representative Turner. Representative Turner. For a Motion?"

Turner, J.: "Mr. Speaker, apparently I ended up with too many Bills somehow and you've asked me to table one of them."

Speaker Hartke: "And your Motion would be?"

Turner, J.: "I hereby, therefore, move to table House Bill 3404."

Speaker Hartke: "You've heard the Gentleman's Motion to table House Bill 3404. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Mr. Turner, the Bill is tabled. On page 21 of the Calendar, appears House Bill 2997. Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2997, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The House Bill 2997 is an initiative of the Sheriff of Cook County that amends the Code of Civil Procedure. It, basically, brings into reality the practice that the sheriff is using, today, when presented with a certified copy of a judgement which is, basically, a lien that has been approved by the court. When he has that, according to the Code of Civil Procedure, today, he's supposed to swear in three individuals to work as commissioners. There is no qualifications for these people whatsoever as far as being assessors of any type so he swears in these three men, they're supposed to be paid \$5 a day and they go out and assess the property, say that it is worth more than \$7500 so that the sale by the sheriff can go forward in order to

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justify the lien. They've asked that we change this and do away with the requirement for the three commissioners, to hire one assessor. The creditor would hire the assessor and then the procedure would go forward. The Bill did pass the Judicial (sic-Judiciary) Civil Law Committee with bipartisan support and I know of no opponents at this time."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I support this Bill. This is a Bill that came from the Sheriff of Cook County. It's a Bill that makes a lot of sense. You know, when there's a judgement against someone it's appropriate to allow the person to whom the money is owed to go get their money. A lot of times, the only way you can get that money is to take property owned by someone and sell it with due process, but sell it at a sheriff's sale. The sheriff is sometimes hamstrung in terms of finding the appropriate assessors to do the work. This Bill will make that procedure more streamlined and will enable the sheriff to do his job better so that judgement creditors can get the money due them after a judgement is entered on their behalf. Some of this is pretty technical and those of you who are not lawyers in the Body may have trouble understanding what this is about. Suffice to say, this will enable sheriffs to do their job better so that creditors can receive the money they're due and owing without putting any further burdens on defendants allowing them their due process, but letting the process go forward in a timely and expeditious way. It's a good Bill. It'll clean up the procedure. And I suggest your 'aye' votes."

Speaker Hartke: "Is there any discussion? The Chair recognizes

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the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, you're adding the word 'certified' in the appraiser language. Is there such a category, now?"

McCarthy: "Thank you, Representative. Actually, the Amendment that was adopted to the Bill, the appraiser... I want to say the appraisers' society, but that's not the right name. But they came to us because they had question with that language and we've replaced 'state licensed real estate appraiser' with 'state certified general real estate appraiser' or a 'state certified residential real estate appraiser' in order to be in compliance with the current terminology and code."

Black: "All right. So the current law does have a 'certified real estate appraiser' in the language, correct?"

McCarthy: "Correct."

Black: "All right. A previous speaker said that this was an initiative of the Cook County Sheriff. So my question to you is, does it only apply to Cook County or did the 101 other sheriffs sign on to this Bill?"

McCarthy: "I believe it applies to all counties, but truthfully, I think Cook County was the only place using this procedure. And no other county, this Bill has been around for quite a while, no other county sheriff has brought up any questions about the Bill whatsoever. So I would think it probably pertains just to Cook County. I would hope that the other counties... "

Black: "Well, would you be willing to amend the Bill on its face to say that if any county sheriff has a question or doesn't like the Bill, they call you?"

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McCarthy: "Yeah, but I won't give 'em my number. But I would agree to that."

Black: "Would it be all right if my sheriff calls me in June or July, that I call you?"

McCarthy: "June or July? No..."

Black: "I just want to make sure that, you know... I just want to make sure that my sheriff is in agreement with what originated in Cook County because my home... the two counties that I represent are not similar in many respects or most respects to Cook County."

McCarthy: "Well, the Counties Association didn't slip it so I don't think they had a problem. But I am conferring with staff and as soon as they assure me that Vermilion is part of Illinois, I would be happy to return your calls in June or July."

Black: "You've raised the question that we have raised quite often. There are people in State Government who insist that the staff line ends at Champaign County and I continually remind them that there is another 45 miles east of Champaign County. The problem is there's a Vermillion County, Indiana and I think that's where the confusion has reigned, lo, these many years. But Vermilion County, Illinois is spelled with one 'l' and Vermillion County, Indiana is spelled with two 'ls' and there's another part of that phrase that I can't say on the record. But whatever it may be, if you assure me that my sheriff, I have one Democrat sheriff in Iroquois County and a Republican sheriff in Vermilion County, and if you give me reasonable assurance that both of them will have no problem with this Bill, I will finish my corned beef sandwich and vote for your Bill."

McCarthy: "I will give you that reassurance."

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Black: "All right. So if I do hear from the Iroquois County Sheriff, Representative Novak will be called other than that I intend to vote for the Bill. Thank you."

McCarthy: "Thank you very much, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2997?' 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 House Bill 2997, there were 117 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Officer (sic-Majority), is hereby declared passed. Representative Schoenberg, for what reason do you seek recognition?"

Schoenberg: "Mr. Speaker, I'd like the record to reflect on House Bill 3009 I wish to be voted in the affirmative. I hit my switch too hard and was not recorded. Thank you."

Speaker Hartke: "House Bill 3576. Representative Erwin. 3576. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3576, a Bill for an Act to amend the Illinois Financial Assistance Act for nonpublic institutions of higher learning. Third Reading of this House Bill."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. House Bill 3576 is a unique opportunity to really make a difference in our efforts to increase minority faculty, particularly at public institutions of higher education in the State of Illinois. Recently, at the Higher Education Committee, we listened to a presentation of a ten year audit or analysis, if you will, of a Minority Graduate Assistant Program that over

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ten years indicates that minority faculty, 70% of minority faculty in public colleges and universities, come out of two small programs, grant programs in BHE. It was really very significant data that showed the best way we can improve minority faculty statistics is, obviously, to encourage African-Americans and Hispanics to go to graduate school. What this Bill does is increase the grant level for these fellowships. It's a very small number, from 10 thousand to 15 thousand annually. This increase has not... we have not increased the amount of the grants for ten years and I would urge your strong support. The data was very compelling. It is a very significant way to increase minority faculty in public colleges and universities. And I would urge your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3576?' 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 House Bill 3576, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4165. Representative Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4165, a Bill for an Act to amend the Illinois Horse Racing Act of 1975. Third Reading of this House Bill."

Speaker Hartke: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This Bill, as you may recall, has an Amendment on it that in essence gutted the Bill. What it does now is merely changes the date for which the

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Thoroughbred Breeders Program Task Force which is supposed to make recommendations to the General Assembly on improving breeding quality. They have until May 1 instead of March 1 of 2000 to make recommendations. I'm not aware of any opposition and I know the racing board would like to see this Bill move on. I'd appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4165?' 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? There are still four people who have not voted. Mr. Clerk, take the record. On House Bill 4165, there are 79 Members voting 'yes', 37 Members voting 'no', 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3936. Representative Smith. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3936, a Bill for an Act concerning drivers' licenses. Third Reading of this House Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3936, as amended, is an effort of the Secretary of State's Office to change the penalty for repeat offenders for those dealers who sell a vehicle with a rebuilt title that have not provided proper disclosure of the rebuilt vehicle's status form to the purchaser of the vehicle. This is a good consumer effort. Again, this does not apply to those who are following the law. This is to those dealers who are not following the law and attempt to sell a rebuilt vehicle without giving proper disclosure to the consumer. I know of no opposition to the Bill and I'd

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encourage an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much."

Speaker Hartke: "The Sponsor will yield."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I just rise to, first of all, thank the Sponsor for checking with those people who are in the salvage business. I have two of these individuals in my district who take cars that insurance companies write off. They rebuild them and sell them with the appropriate salvage or rebuilt title. And I expressed some concern in committee that I didn't want to make it any more difficult for these people who, really and truly, are recyclers of the highest order. And the Secretary of State, particularly Mike Grady, I want to compliment him on talking with these people and making certain that not only would this not hurt their business, in fact, they said it would help their business by driving out those unethical people who try to hide the fact that a vehicle might be salvage or a rebuilt title. And so it's really gratifying to get that kind of support from the other side of the aisle. I appreciate the Sponsor's indulgence, particularly, thank the extra effort made by the legislative liaison with the Secretary of State to talk to some people in my district and eliminate any possible conflict that when you go home people say, well, 'why did you vote for that'? Those in the rebuilding and salvage business support this. It's a good idea and it probably should get a unanimous vote. And once again, to Representative Smith, I thank you very much for your help and particularly Mike Grady in the Secretary's Office."

Speaker Hartke: "Further discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House pass House Bill 3936?' 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 House Bill 3936, there are 118 Members voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4017. Representative Giles. Calvin Giles. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4017, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hartke: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Once again, I bring before you House Bill 4017. What this Bill would allow is to prohibit imposition of the death penalty upon a mentally retarded person. It provides that the issue of the mental retardation may be raised by the defense or the state or the court at any time during the trial process before a plea is entered, before or after the trial. We deleted during a trial... during the trial. The court must hold a hearing to determine whether the defendant is mentally retarded when a motion is made, that the death penalty should not be imposed because the defendant is mentally retarded. If the courts find by a preponderance of evidence that the defendant is mentally retarded, the death penalty cannot be imposed. Mr. Speaker, I simply ask for the passage of this Bill. This has been an issue that has been discussed some and I ask for... and I am here to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Hartke: "He indicates he will."

Durkin: "Representative Giles, if this Bill is signed into law, will a person who is currently been sentenced to death would they have... be able to have this retroactively applied to their sentence?"

Giles: "I'm sorry, I didn't hear the last part of your..."

Durkin: "Can you retroactively apply this to somebody currently on death row?"

Giles: "I think we can, Representative and what we will do is allow the court, the judge to make that determination. I believe we can."

Durkin: "All right. I just want to make sure because a lot of times we ask questions just for sometimes prolonging the debate. But I'm not sure, is this something which is spelled out, Cal? Do we know that this is something... I know there is immediate effective date on it, but do we specifically spell out whether or not this can be retroactively applied to an existing case which has already gone to judgement and the person who is sitting in one of the death row chambers?"

Giles: "Representative, there is a specified period of time. I think, also, you know a judge would determine the validity of any claims at that time."

Durkin: "I'm not sure if you can answer this question, but presently under the law in Illinois, if you are unfit, there's a legal standard of fitness, you cannot be executed. Can someone be... can they be mentally retarded, but still be fit? And perhaps you can just try to reconcile that with me 'cause I... that's one question that I'm having problems with is that type of scenario."

Giles: "Representative, whether someone is fit to stand trial and

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someone that is mentally retarded, those are two different things. I think in order to be fit to stand trial I think it's very simple according to our courts today. They just simply have to be able to acknowledge by saying 'yes' or 'no'."

Durkin: "Well, the definition of fitness as we have it is somewhat first of all, has to understand the nature of the proceedings which are occurring and also has to be able to effectively cooperate with his counsel. Now, I think, if we are going to apply the standards and the definition as we have... as with mentally retarded means 'subaverage general and intellectual functioning generally originating during developmental period and associated with impairment.' As we go on and on with this definition, I think that that would be hand and hand. I think it would be very hard to make the argument that someone would be... that they'd be fit at that time. Because, I mean, I don't see how you would... we can get through that last... that dilemma."

Giles: "Representative, once again, I just feel that, you know, we're talkin' about two separately different issues. I just think that if a judge determines the validity of any such claims, I think, that the decision would be made at that time."

Durkin: "All right. I got one last question. I think, that there is language in the Bill, as it's amended, which allows the standard of proof to be one of a preponderance standard, is that correct?"

Giles: "I'm sorry, Representative. Repeat the question, again."

Durkin: "Is the standard in which the person who is making this accusation who's alleging that, you know, 'I am mentally retarded therefore I cannot be executed.' If they petition

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the court, I believe, what the Bill says is that the standard of proof is a preponderance of evidence, correct?"

Giles: "That's correct."

Durkin: "That is a civil standard which is a lesser standard than what we traditionally use in criminal courts because I mean..."

Giles: "I think this is... but this evidence here, the preponderance of evidence here is to determine if they are mentally fit."

Durkin: "My only concern, you know, I appreciate what you're trying to do. I think that the whole issue of what the current law about someone being unfit, under what we define as the legal standards, would preclude a person from being executed, which I think a number of these people... My only concern is that when we've lowered the standard to a preponderance evidence, which is a very small standard, we are going to allow individuals and this is my only concern, is that there will be frivolous claims, that there will be a number of individuals who have been found guilty and committed terrible crimes, but they're gonna say that we've got a lessened standard in the law in which someone can allege that they are... that they fall within this definition. That they would be, you know, their responsibilities as the court has said will be lifted from them, so..."

Giles: "Well, Representative, I understand that, but it doesn't change the burden of the proof of the crime. I think that preponderance of evidence is not to lower the standard of the actual crime itself. That's not what we're not trying to do here."

Durkin: "No, it's just that when they have to prove that they are mentally retarded under the definition, which has been

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spelled out, they need only prove by preponderance the evidence that they do fit within that definition, which is a very easy standard to meet. So that's my only concern is that we're gonna have some guys and you know, they're very creative when they're in those positions and they have a lot of time to think about things. I'm not quite sure, at this point, how I'm gonna vote on this Bill, but I appreciate that what you're tryin' to do. And I'll listen to the rest of the debate. Thank you."

Giles: "And Representative, you know, it's very hard to determine, you know, mental retardation anyway."

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

Black: "Mr. Speaker, the noise level in the chamber is such... this is an extremely important Bill and men and women of goodwill are gonna have different opinions of just exactly what this Bill does and most people are not paying the slightest bit of attention. Let me preface my question to the Sponsor by saying no one, I don't think anyone in this chamber, would agree that someone who is mentally retarded should be executed for a capital offense. With that statement, would the Gentleman yield for a question?"

Speaker Hartke: "Gentleman will yield."

Black: "Representative, the thing that I'm concerned about and I am not an attorney, obviously, Representative Durkin is and I think he was on target and it's to the heart of what you're tryin' to do. The standard of proof and this can be applied retrospectively, as I understand it. Someone who is currently on death row could ask for a review, if this becomes law and the standard of proof, as to whether or not the defendant is mentally retarded, is not clear and convincing evidence, but what's the term, 'preponderance of

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the evidence?' Now, do you really intend to do that?"

Giles: "I think, Representative, how I can respond is simply, you know, that do not lessen the burden of the crime. The crime itself is still there, but it doesn't change..."

Black: "But it could."

Giles: "...the burden of proof for the crime, though."

Black: "Yeah. The preponderance of evidence means that if a judge is just a half a degree more than 50% convinced of the argument, that's the preponderance of evidence. He would say, 'I think we have a point.' Clear and convincing evidence means that the judge would rule without much doubt in his or her mind. You know, clear and convincing evidence that retardation may be an argument in this case as opposed to the preponderance of evidence where you say, 'I have some doubt. I have some doubt, so therefore, given my doubt, I'm going to rule that we have an... that the defense... the appeal be accepted and let's have another trial.'"

Giles: "I think once again here, Representative, what we're sayin' is that, number one, is that the defendant is not innocent of a crime that was committed. What we're sayin' is that in this particular situation that capital punishment cannot be applied. That's number one."

Black: "And I understand that it would not change the underlying verdict, but the death sentence could be appealed on a basis of a motion filed that my client is mentally retarded. And the judge may say, 'Why didn't you raise this at trial five years ago?' Well, I didn't have all of the evidence. I didn't have all of the documentation. But subsequent meetings with my client and a review of the record, I believe, that clearly I believe my defendant is mentally retarded and therefore, I'm going to ask you to

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set aside the death penalty. I understand that the verdict may not be appealable under your Bill, but the death sentence most certainly could be, correct?"

Giles: "Well, Representative, I think under that scenario, I think most counsel are very competent..."

Black: "Well, in recent history in Illinois, I'm not so sure."

Giles: "...and prior to going into trial... I truly believe so. I think, prior to going into trial, I think, most will establish that or ask for that to be established. But I think after the trial, I think, there's some cases in which counsel is not competent and so I think that individual, that defendant, should have the opportunity to have their case heard again."

Black: "Well, you know, staff just informed me and I won't bring up the case, but staff just informed me that in a recent Illinois case the issue of possible retardation was raised a matter of hours before the execution was to be carried out and in fact, was never raised at the trial or in the years beyond the trial, but was raised just hours before the possible date of execution."

Giles: "And let me just state that, I think, for the record we're talkin' about Mr. Porter, here."

Black: "Yes."

Giles: "Mr. Porter, of course, who we now know has been exonerated. He had an IQ level of... he was tested he had an IQ level of 51 and we won't get into.."

Black: "No, I understand that. Yeah."

Giles: "...the levels of IQ which means under that current law that he is mentally retarded. So that's correct, just hours prior to execution he was exonerated, because he was allowed to have his case heard again, under the emphasis that he is mentally retarded. I mean, it has been

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established by the, you know, IQ number whether you use that definition or not."

Black: "Okay. But..."

Giles: "And he should... and this is one of the reasons why we need it."

Black: "But in his case wasn't it more a clear and convincing evidence that he wasn't even guilty of the crime? Therefore, he was free; not a preponderance of evidence that he might have suffered retardation and set aside the death penalty. It would appear to me that the clear and convincing evidence showed he was convicted erroneously."

Giles: "Representative, I agree he was exonerated because he was innocent... "

Black: "Right."

Giles: "...nevertheless, I think the issue of mental retardation raised the issue. It raised the issue. If he didn't have that factor to raise the issue, I think today we would have a dead man buried."

Black: "Well, and again, I think men and women of goodwill can argue that the issue of possible retardation may or may not have resulted in his exoneration. That may be a stretch if you say that it did and I, on the other hand, may be stretching to say that it did not. I appreciate what you're trying to do, but Mr. Speaker, to the Bill, if I might. And Ladies and Gentlemen of the House. This is a very complicated and somewhat emotional issue given what the State of Illinois has recently experienced. My only concern and I would hope that those more versed in the law than I might continue this discussion, that if you simply require a preponderance of evidence, in a retrospective sense, to raise the issue of potential or possible retardation, it would be my guess and this is strictly my

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guess, Representative. It would be my guess that 50 to 70% of those currently on death row would certainly ask their attorney to file an appeal on the death sentence, based on the fact that they were retarded, even though the trial may have been 10, 12, 15 years ago. And we're not talking, and the Representative's made it very clear, we're not talking about a new trial to determine his total innocence or guilt of the capital offense, but you're now raising the possibility that if you... if 50.4% of the judge's mind says, 'Wow, he may have. There may be a question of retardation in this death sentence and therefore, under this law, I have to allow the appeal for a possible reversal of the death sentence.' Now, I have a prison in my district, obviously, we don't have anybody on death row there. But my only fear is and maybe I'm not looking at this correctly, but my fear is with a preponderance of the evidence, I think you would see 50% of those people currently sentenced to die for capital offenses in the State of Illinois would file an appeal based on a potential or possible case of retardation to set aside the death sentence. That could create some chaos in the courts and again, I don't quarrel with the intent and the underlying Bill. No one wants to, I don't think anyone would want to, execute someone who, obviously, suffered a mental retardation. But this Bill, I think, as a nonlawyer, could have been a little more narrowly drafted, but I do appreciate the Representative's forthright answers to the question and the issue that he is attempting to raise. I just have some serious doubts as to whether or not this Bill may create as many problems as it may solve."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Currie."

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Currie: "Thank you, Speaker and Members of the House. I rise in strong support of House Bill 4017. I'm not a lawyer anymore than is the previous speaker, but it seems to me preponderance of the evidence is a fairly reasonable standard when what you're dealing with is a fairly clear-cut situation. We have had definitions of mental retardation for more than 50 years. In every case, the requirement is that the evidence of retardation is apparent before the individual reaches the age of 18. We're not talking about somebody at the age of 35 coming along and suddenly saying, 'Duh, don't kill me. I am, in fact, a victim of mental retardation.' So I think the evidence that would be invoked is pretty clear-cut evidence, either there is a low IQ and the kind of impaired behavior that is traditionally associated with mental retardation or there isn't and we're talking here about people whose mental abilities are those of a child 12 and under. We do not execute children in the State of Illinois because we do not believe that people who do not have adult judgement, adult maturity, should be held to that kind of punishment should they behave badly. I think that same standard should apply to people whose mental age puts them at the chronological age of people that we know in our hearts it makes no sense to send to the death chair. I think that Representative Giles has a reasonable Bill and I think it would be unconscionable for the state to continue to say that the fact that somebody has the mental capacity of a child doesn't prevent us from executing them for a serious crime. Please vote 'yes'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

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Speaker Hartke: "Sponsor will yield."

Turner, J.: "Representative, we talked in committee about some of the concerns regarding how the insanity defense works into this or comes into play in this and how guilty but mentally ill comes into play, but here are my questions for you. Does your Bill apply to someone who has been found competent to stand trial?"

Giles: "Yes, it does."

Turner, J.: "So, as I understand it, they're competent to stand trial and they've been convicted of the offense of murder and it has to be a heinous murder or they wouldn't get the death penalty."

Giles: "That's correct, Representative, but..."

Turner, J.: "The other and I don't know if it's a problem, but the other concern that I have is the person has been found competent to stand trial and since they've been found guilty and they've been sentenced to death, they also in spite of their mental retardation have not been in a position where they could raise the defense of insanity, correct?"

Giles: "That's correct, but I would say that when you say that person has been found competent to stand trial, remember that... I mean, as you know, that being found competent to stand trial an individual has just simply has to be cognizant of to be able to say 'yes' or 'no' to their counsel."

Turner, J.: "Well, the problem is..."

Giles: "And to be able to understand and to cooperate with their counsel in a civil manner."

Turner, J.: "I guess the problem is is that the individual is competent to stand trial. The individual is not in a position to raise the defense that he or she could not

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understand the criminality of their actions, if they were, then they would be in a position to defend themselves and not even be found guilty. So, I guess, the question is, if they're competent to stand trial, if their mental illness is not such as to allow them to raise the defense that they can't understand the criminality of their actions, why then would we proceed with your Bill and why would they not be subject to being penalized as any other individual, especially since the person who's competent to stand trial, does understand the criminality of their actions, obviously has committed a heinous crime, is still a dangerous person?"

Giles: "Representative, and you raised a good question, I think that's a good question. But the reality is and I'm just simply stating that mentally retarded people are in the bottom 2 to 3% of the population in intelligence and have a substantial cognizant disability. Also, mental... the mental age and I think, the previous speaker mentioned this, the mental age of adults with mental retardation is always... is approximately 12 years of age. So this individual is not... we're not lessening the crime. This individual's guilty. This individual will do the time. This individual will probably be parole... I mean, will probably spend life imprisonment, but this individual, we think, because of those disabilities, because of that illness, because of mental retardation that individual should not get the capital punishment because they have a mentality of a child."

Turner, J.: "Okay. And I just want to make sure I understand it and I see what you're doing, then. You're just saying that in spite of the fact that they're guilty, committed the crime, competent to stand trial, have no defense,

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understand the criminality of their actions, you're just saying you don't want the death penalty applied to them because of the mental retardation. And I'm not saying that's a bad concept, but that's is exactly what you're doing here with your Bill."

Giles: "And that's exactly it, Representative. That's exactly... that's the core of it."

Turner, J.: "All right. And you're making the argument that since we don't execute..."

Giles: "Children."

Turner, J.: "Is it under 18 years of age we don't execute..."

Giles: "Children, someone that is 12..."

Turner, J.: "Persons under 18 years of age who also have criminal intent and understand their actions, are found guilty and commit heinous crimes and could be dangerous, but we don't allow for those persons to be executed. You want to extend that to the mentally retarded person, as well."

Giles: "That is correct, Representative. That is exactly correct."

Turner, J.: "Okay. I guess my final question is, do you have and I may have asked this in committee, if I did, I don't remember. Do you know how many people this would apply to, currently?"

Giles: "Tell you the truth, Representative, we don't have those statistics."

Turner, J.: "I'm sorry. I didn't hear that last response."

Giles: "Representative, we don't have those statistics. The only statistics that I have is that I know about 40 individuals in the United States have been executed that is mentally retarded. That has the... that did have the capacity of a child."

Turner, J.: "All right. And for Members of the Body, I don't

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know if this has been asked. I can't hear very well in here, but I think, that anyone who would be sentenced to death, but if we pass this statute is not sentenced to death because of the mental retardation, are those still... are those people still subject to life imprisonment, mandatorily?"

Giles: "Yes. Yes, Representative, that is correct."

Turner, J.: "And then when do they raise the mental retardation question as to whether or not the death penalty applies?"

Giles: "They can raise it before, we had the Bill where they could raise during trial, but I believe, Representative Durkin asked that it would be more if... "

Turner, J.: "And it will only... this applies only to capital cases..."

Giles: "...if we delete 'during'."

Turner, J.: "All right."

Giles: "Only capital cases."

Speaker Hartke: "Further discussion?"

Turner, J.: "Thank you, Mr. Speaker. I'm finished."

Speaker Hartke: "The Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. The previous line of questioning is the same line that I wanted to follow and I'm not gonna go down that path that we just heard. To the Bill."

Speaker Hartke: "To the Bill."

Winkel: "The underlying premise of House Bill 4017 I support entirely. My understanding of the intent of this Bill and I think the way it's drafted is that as a matter of public policy we decide in the State of Illinois that we do not want to execute the mentally retarded. And I think there's a reasonable definition that has been used for a very long

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time in this state in the Bill. It's a definition that has been tried over the years and works. It's a definition that has two qualifications and they have to be established before you're age 18. It has to be shown, more probably than not, in court, that you have subaverage general intellectual functioning and impaired behavior and these both have to exist before you're 18-years-old to establish that you're mentally retarded. As I understand this definition as applied, if that is found, what the court would find then is that the person who is seeking this relief has the mental capacity more akin to or more like a juvenile. We do not execute juveniles in the State of Illinois nor should we execute those who are the mental equivalence of juveniles in the State of Illinois. Ladies and Gentlemen, for that reason I support House Bill 4017. I think it's good public policy. I appreciate the work of the Sponsor. He told us that he would make certain changes in the Bill, technical changes, and he did. And I will vote 'yes' on this Bill and encourage my colleagues to do likewise."

Speaker Hartke: "Representative Giles, to close."

Giles: "Thank you, Mr. Speaker. Thank you, Representative, for those closing remarks. Let me just say that death is solemn. Death is at the end of our physical road. There is no recourse for this society when we make a mistake and put someone to death, especially someone that we feel that do not have the intellectual capacity to understand his or her punishment or crime... crime and punishment. Let me just say that I am just... I am proud that we have a Governor today that have realized that innocent people may be on death row and decides to put a temporary moratorium on the death penalty because we want to make sure that

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individuals that do get the capital punishment are guilty. I would simply say that we should be even more so careful about individuals who cannot mentally defend themselves or mentally understand their actions. And for those reasons I would ask every Member in this Body to show some compassionate (sic-compassion) and to vote 'yes' for this piece of legislation. I think it's the ethical thing to do. I think it's the right thing to do and I think it's the righteous thing to do. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4017?' All those in favor signify by vote '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 House Bill 4017, there are 117 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3254? Representative Gash."

Clerk Bolin: "House Bill 3254, the Bill's been read a second time, previously. Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Gash, has been approved for consideration."

Speaker Hartke: "Representative Gash."

Gash: "Thank you, Mr. Speaker. Amendment #2, is just a technical Amendment. I am looking for it... which just clarifies a concern that some people in the schools had and removes any possible... removes the opposition."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

Turner, J.: "Could I defer to Representative Cross and then..."

Speaker Hartke: "You may."

Turner, J.: "...'cause he's gonna take the lead."

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Speaker Hartke: "Representative Cross."

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, is there any opposition to this Bill? I know the Chicago Board, at one time, was opposed to it."

Gash: "At this point, I don't know of any. This is just an Amendment, though. This is just a technical Amendment that removes any confusion about what 'dissection' means. This is not the Bill. This is an Amendment to the Bill."

Cross: "Didn't we just go through this... you amended this Bill last week, didn't you?"

Gash: "We did."

Cross: "You're cutting this Bill up by doing these Amendments, aren't you."

Gash: "Yes, Sir."

Cross: "There's nothin' left of this Bill as much as you've torn this thing apart. Now, what does the Amendment actually do, Representative, 'cause we couldn't hear a thing you said earlier."

Gash: "It removes..."

Cross: "You've read the Amendment, I take it?"

Gash: "It removes some confusing words from the Bill the way it had been drafted so that 'dissection' is clear."

Cross: "So what happens now with your Amendment? How is it defined?"

Gash: "It removes confusion. The words 'inspecting', 'touching' and 'handling' had been in the Bill, previously, and no longer will be."

Cross: "It changes a portion of the definition of 'dissection' from 'mounting or other manipulation of living or dead animals' to 'mounting'. Is that right?"

Gash: "That's right."

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Cross: "That's what the Amendment says, Representative. Obviously, a lot better Amendment. Is that a fair statement or fair characterization of your Amendment, Representative? Is that a 'yes'?"

Gash: "I suppose that's your view."

Cross: "Now, the agricultural community was a little concerned about this Bill, at one time. Is that correct?"

Gash: "I don't know that the agricultural community was."

Cross: "What?"

Gash: "I'm not aware that the agricultural community ever was. But Representative Cross, you may want to address your concerns to the Amendment as opposed to the entire Bill and we can do the Bill on Third Reading in the interest of time."

Cross: "I want to make sure. Did you remove the words 'inspecting', 'touching' and 'handling'? Did you remove?"

Gash: "This Amendment would remove those words and I would like your vote and then we would remove them."

Cross: "So would you still be allowed to cut, 'inspect'?"

Gash: "'Inspect' would be removed."

Cross: "Why did you make these changes, Representative?"

Gash: "These were made at the request of one of the school groups. I can't keep track of them, actually. One of the school groups had concerns, but this removes their opposition, completely."

Cross: "I'm sorry. I didn't hear you."

Gash: "One of school groups did have some concerns because there was and there really was some confusion with respect to those words. If those words are removed, it's very clear what dissection would be and it would be more consistent with what it had been. There's no concern now. Or there will be no concern after we adopt this Amendment."

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Cross: "Representative, is it true that you brought a frog over to this side of the aisle, last week? Do you remember that little frog?"

Gash: "I'm sorry. Can you repeat the question?"

Cross: "Is it true that you brought a little frog over here, last week? Kind of a peace offering?"

Gash: "Yes, Representative Cross, that is absolutely true."

Cross: "Do you remember that frog was a real little bitty frog? Just a little bigger than a tadpole, wasn't it, Representative?"

Gash: "Yes, I remember that frog, Representative Cross, and I hope you haven't harmed it in any way."

Cross: "Look it. Not only have I not harmed that frog, Representative, this frog has gotten to be a very, very big frog. Doesn't it look a lot bigger than the frog you brought over? Is this the frog you brought over?"

Gash: "I don't know. I can't really inspect it from here."

Cross: "Do you recognize this frog?"

Gash: "If you say so, Representative. I hope we're making good use of our time."

Cross: "Now, under your Bill, would I be prohibited from dissecting this frog?"

Gash: "What?"

Cross: "What? Would I be prohibited from dissecting this frog?"

Gash: "No, there is nothing in this Bill. That's a great point although completely unrelated to the Amendment. But there is nothing in this Bill that prevents dissection. What this does is allow a child to opt out of dissection by using alternatives."

Cross: "Can I, under your Bill, with the Amendment handle this frog?"

Gash: "What?"

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Cross: "Can I handle the frog, under your Amendment, like this?
Is this prohibited?"

Gash: "Nothing is prohibited under my Bill."

Cross: "What?"

Gash: "Nothing is prohibited under my Bill or Amendment."

Cross: "I'm, unfortunately, running out of time, Representative."

Gash: "I'm sorry to hear that."

Speaker Hartke: "Further discussion? The Chair recognizes the
Gentleman from Champaign, Mr. Winkel. Mr. Winkel, do you
have some questions of the Sponsor?"

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

Speaker Hartke: "She will yield."

Gash: "Well?"

Winkel: "Representative, could you explain some of the
alternatives to dissection? I mean, they're readily
available. They're pretty high tech and if you want to go
that direction, or they're pretty expensive, as well,
aren't they?"

Gash: "They are very expensive and in fact, some medical schools,
actually, many people within the medical schools prefer
that and a lot of medical schools do not require dissection
at all especially some in Illinois, some of the better
schools. As you're probably aware, students at the
University of Illinois veterinarian school, actually were,
very concerned about this issue and brought it to the
attention of the school and the school is now allowing them
to opt out of dissection. This is a very popular Bill, if
you look at the sponsorship. It's very, very bipartisan.
There are something like 30 Cosponsors and by the way, if
anyone's not Cosponsoring this Bill and they would like to
do so, there are slips available at the well."

Winkel: "Gosh, I'm trying to catch up. Those are a lot of the

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questions I was gonna ask. Oh, here. Okay, good. So there's a lot of high tech alternatives available, but you mention higher education. Could you clarify who this applies to? Does it apply to medical schools or veterinary schools or undergraduate courses in higher education?"

Gash: "This Bill, as amended by Amendment #1, will affect kindergarten through twelfth grade only and universities and colleges are completely out of it under Amendment 1 which we adopted who knows when."

Winkel: "Well, I got a call from the veterinary school and so they are now out of this Bill and they don't have to worry about..."

Gash: "Their opposition has now been removed."

Winkel: "Okay. So this..."

Gash: "That is correct, but I will point out, without their opposition having been removed last year we did pass the Bill including colleges by 116 votes."

Winkel: "I understand and appreciate that, but I just want to make sure I understand this Bill then. So this Bill only covers high school and earlier, it does not cover college or postgraduate studies?"

Gash: "Yes."

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

Speaker Hartke: "To the Bill."

Winkel: "I think that this is a good Bill. It's sensible. There are alternatives available. And I think those who do have objections to actual dissection should be able to do that and be given that without any fear of reprisal or discrimination as a result of that alternative dissection. So I rise in support of the Bill. I think the Bill is a good one. It passed out of here almost unanimously last year, both chambers. It was amended by the Governor. As I

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understand it, the Amendments are included now in this current version of the Bill and so I would recommend a 'yes' vote."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, in all honesty, don't bring animals on this side of the aisle. The frog you brought over, Ron Wait ate it. Anything on the desk that doesn't move, after 30 seconds, is fair game for Representative Wait."

Gash: "So noted."

Black: "In all due respect, he's still the winner, you weren't here when we had the Dairy Queen Blizzard contest. The winner, hands down, four and a half hours, 23 Blizzards. I'll never forget it. It was the highlight of my career. I do have just one question in your Amendment. You removed the word 'mounting' or you changed the word 'mounting'. Do you have... look in the Bill and tell me where you've removed that, if you would. Does it appear on page 2, line 30 in Floor Amendment #1? Because Floor Amendment #1 actually becomes the Bill and you're now on Floor Amendment #2 that references a change in the word 'mounting'."

Gash: "I'm sorry. Can you say that again? Where in..."

Black: "Yeah. Look in Floor Amendment #1 because that now becomes the Bill and in Floor Amendment #2, you reference a change..."

Gash: "Okay. Page 2. It would be page 2, line 33."

Black: "Right. Okay. Now..."

Gash: "And it is page 2, line 33."

Black: "All right. My question and it really is a serious

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question, in my part of the state, it is not unusual to introduce children in school to the craft, art, whatever you want to call it, of taxidermy and obviously, part of that is to mount the animal on a perch or whatever..."

Gash: "If you want that, then you'd support this Amendment."

Black: "Okay. Now, you took the word out of Floor Amendment #1?"

Gash: "Yes, Sir."

Black: "All right. Now, as amended, the underlying Bill only affects K through eight or K-twelve education?"

Gash: "Twelve."

Black: "It does go to high school? I thought it was only elementary."

Gash: "Twelve."

Black: "It does go K-12."

Gash: "Yes."

Black: "All right. Well, I think the Amendment does, believe this or not, I had a call from a taxidermist and I think your Amendment clears up that question. I might want to revisit a couple of issues with you on Third Reading."

Gash: "Right."

Black: "But I do appreciate you clarifying that one issue."

Gash: "Right. But as you can see, we have made some changes..."

Black: "Sure."

Gash: "...however small they may seem to some people to address other peoples' concerns."

Black: "Okay. Thank you very much."

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

Gash: "I urge your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #2 to House Bill 3254?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of

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the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 3383. Representative Lopez. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3383, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lopez, has been approved for consideration."

Speaker Hartke: "Representative Lopez."

Lopez: "Thank you, Mr. Speaker. I'd like to add House Amendment #1 which does allow the department, at its discretion, to administer examinations in Korean, Spanish or Polish in addition to English as requested by the applicant. It, also, allows the department to provide translation services upon advance written request from an applicant that's not fluent in English. The cost will be borne by the applicant requesting the service. And we've also set a sunset date of three years. So this is the Amendment that we worked out with the department and also, with Representative Parke, who worked with us in committee, who suggested some of these issues for an Amendment and so therefore, I ask for an 'aye' vote on this Amendment."

Speaker Hartke: "Representative Parke."

Parke: "Mr. Speaker, I rise in support of Amendment #1. The Sponsor worked on some accommodations with the Department of Insurance. It is permissive. And I will support this Amendment."

Speaker Hartke: "The question is, 'Shall the House adopt House Amendment #1 to House Bill 3383?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is

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adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. House Bill 3535. Representative Garrett. Mr. Clerk, call the Bill."

Clerk Bolin: "House Bill 3535, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Garrett, has been approved for consideration."

Speaker Hartke: "Representative Garrett."

Garrett: "I thank you, Mr. Speaker. I'm introducing Floor Amendment #1 which allows for instead of the Governor to appoint a commission that this authority would be under DCCA and I think that's, basically, the gist of it. We have been much more specific on what this Municipal Assistance Authority would be doing, other than that it's..."

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

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative, my understanding and correct me if I'm wrong, please, that DCCA is still adamantly opposed to this Amendment."

Garrett: "I'm sorry. Who..."

Cross: "It's our understanding that DCCA, the Department of Commerce and Community Affairs Office, is still adamantly opposed to this Amendment."

Garrett: "Representative, I don't think DCCA was ever adamantly opposed. We met with DCCA which is why we provided this Amendment. They wanted to make sure that the commission was not appointed by the Governor that, in fact, it was a part of DCCA. The way I understand it, since we have added

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this Amendment, they are neutral. I even heard that they are opposed. I know..."

Cross: "Well..."

Garrett: "Unless you have different information."

Cross: "Well, I've just got a note here in our file that DCCA's opposed to this Amendment because there is no appropriation and they do not want another unfunded program on their books. They do not know where the funding will come from."

Garrett: "We talked to DCCA about that and we are going to work with them to make sure that there is an appropriation available. That will happen within the next week. And it is also sunsetted. This program is sunsetted if, in fact, that appropriation cannot be obtained."

Cross: "Our understanding, Representative, from committee, that there was a commitment made that you wouldn't move this Bill until you had an agreement with DCCA."

Garrett: "I think, the way I understand it, we do have agreement with DCCA. We met with them and unless there's a disagreement that I don't know about."

Cross: "Well, and I'm not... talking to the people here on the floor that are associated with DCCA, they are, as of today, they are still opposed to the Bill. In their mind, there is not an agreement. Now, I don't know. I'm talking even about the substance of the Bill, right now. I'm talking about the procedure in the agreements that were made. I wish you could, at least, check with DCCA before we go forward with this Amendment and maybe you could clear the air. That's our understanding. They're still opposed."

Garrett: "You know, that's news to me. I am meeting with them again tomorrow to talk about the appropriation and look for a way to obtain that. But we had a very good meeting. The way I understood it, they were very much for this if we put

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the Amendment forward. The people that worked with them on this seemed to think that they are in agreement. I think, you're absolutely right, the only unanswered question is the appropriation which we are going to meet with them tomorrow on. And if, in fact, we can't get the appropriation, this particular law is sunsetted so there will be no Municipal Assistance Authority on the books."

Cross: "But we're on the phone, I'm not. There's someone on the phone here with DCCA, right now, as we're doing this Bill and they are saying they are not in agreement. They understand they're meeting tomorrow with you and are willing to sit down and would like to continue, but the fact of the matter is, our understanding was there was an agreement to hold this Bill until there was an agreement. And maybe tomorrow you'll have an agreement with DCCA."

Garrett: "Okay. Well, I was just told they were neutral so I don't know what else we can do. We worked with them. We thought they were neutral. They said they were. Are they saying they're not neutral?"

Cross: "They're not neutral. They're opposed to the Bill. We're on the phone with 'em right now."

Garrett: "I guess that's news to us. We were told they were neutral and that's why we did the Amendment. We've given them time to response to any questions, but we are..."

Cross: "There's still an issue, I believe Representative, and maybe tomorrow it'll..."

Garrett: "That's fine."

Cross: "...be better because right now there's no money to fund it and that's the source of their opposition. So I would ask that you at least hold it or if you want to give 'em a call, I'll give you the phone number. Let's find out where they are."

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Garrett: "Well, we are, actually, Representative Cross, we are meeting with them tomorrow at 9 a.m. to talk about the appropriation. This particular measure, as you may know, was an editorial that was in the Chicago Tribune to highlight to target certain communities who are in need of economic assistance."

Cross: "I don't think that DCCA's point is the concept of the Bill or the substance of it. The problem is, you know is, funding and that's the source of their opposition, as well it should be."

Garrett: "Right. Right. We just want to move it..."

Cross: "And the point of this discussion is, you were gonna hold it until there was an agreement."

Garrett: "Well, you know, we did what we talked about doing and I think, it was clear at our meeting that we were going to hold it until we got this Amendment. We are going to meet with them tomorrow to talk about the appropriation and then, I think, the time to debate that would be once we see what that appropriation discussion will lead us to."

Cross: "Representative..."

Garrett: "This is really just to move it to Third."

Cross: "You know, well, obviously if there was an agreement, there wouldn't be a meeting tomorrow. So I would appreciate it if you'd honor your commitment, hold this on Second Reading. After your Amendment, let's move it tomorrow assuming there is an agreement. That, of course, is the source of their concern and that was the agreement you made in committee and we'd ask that you honor it, today. And the bottom line still remains, where you gonna get the money to fund this?"

Garrett: "Well, we think we can get the money and I think that would be the next..."

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Speaker Hartke: "Further discussion?"

Cross: "I'm on. Just a couple more. I'd just like her..."

Speaker Hartke: "Yes, Mr. Cross."

Cross: "Thanks, Chuck."

Speaker Hartke: "I'm going to give you a little more time."

Cross: "Representative, I would ask again, there's not a funding source unless there's a tax increase Bill that you're gonna put forward. I'd like to know if you would please... I ask you again, if you'd please hold it til tomorrow and once you meet with DCCA, let us know what the results of that meeting is and hopefully, you'll have an agreement."

Garrett: "Representative Cross, as you know, there is an appropriation process and we are going to be talking about this via appropriation and I think, it's fair to say that there is an opportunity to get an appropriation for this. All I'm trying to do is to get this to Third Reading."

Cross: "Well, appropriation process, I thank you for letting me know about that, but the bottom line is..."

Garrett: "You're welcome."

Cross: "...you told the Members of the committee that you were gonna hold this until there's an agreement. There's not an agreement and I would ask you, once again, to honor that commitment and hold this Bill on Second Reading until after the meeting tomorrow."

Garrett: "Representative Cross, there has been an agreement on the substantive language. We have talked with them. We've met with them. Really, this was something that we were all in agreement with and if they're in opposition, it's until we get the appropriation. This is really just to get it to Third Reading. I don't think..."

Cross: "Mr. Speaker, to the Bill, real quick."

Speaker Hartke: "To the Bill, quickly."

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Cross: "She could run this tomorrow. She can hold it on Second. It's been read a second time. If she gets an agreement, she can take care of it tomorrow. The bottom line here is, she made a commitment in committee that this Bill would not move until there was an agreement with DCCA. There's clearly not an agreement with DCCA. I'm not even talking about the substance, right now. But she needs..."

Speaker Hartke: "Mr. Cross. Mr. Cross."

Cross: "...to honor that commitment and I would ask that she take it out of the record."

Speaker Hartke: "Mr. Cross, there is a note filed or note requested that has not been filed. It will remain on Second, anyway."

Cross: "Well, again, I'd ask her that she not make any movement until she gets an agreement with DCCA including this Amendment."

Speaker Hartke: "Representative Garrett, to close."

Garrett: "Sure that we had agreement on the language which we did. We made the substantive language. We made the changes that DCCA asked us to make. And it was very clear that we needed to get an appropriation and we are working on that, as I speak now. We have a meeting set up for 9:00 tomorrow morning. I'm just asking that we can pass this to Third and if there is a problem with this, we will find out, but we have to take it one step at a time. I'm doing the best I possibly can to go through the process and work with DCCA. Thank you and I hope you'll give me an 'aye' vote on this."

Speaker Hartke: "The question is, 'Shall Amendment #1 be adopted to House Bill 3535?' 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

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Amendments?"

Clerk Bolin: "No further Amendments. A fiscal note has been requested on the Bill, as amended and that note has not been filed."

Speaker Hartke: "The Bill will remain on Second Reading pending the filing of the note. House Bill 3649. Representative Kenner. Representative Kenner. Out of the record. House Bill 992. Representative Sharp. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 992, the Bill's been read a second time, previously. Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Sharp, has been approved for consideration."

Speaker Hartke: "Representative Sharp."

Sharp: "Thank you. This is just an Amendment to my Bill 992 and it gives the powers and the duties and the responsibility to the corrections institution that will allow them to put information into a person who's been convicted and then released file as to how to register and what to do about registering to vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, the Amendment 2 becomes the Bill, correct?"

Sharp: "Yes, it does."

Black: "All right. And we have visited this issue before. The Amendment deals with those inmates about to be released from the Department of Corrections accessing information about registering to vote, correct? Is that what it does?"

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Sharp: "Yes, it does. I'm sorry."

Black: "Okay. Okay. It does not mandate that the department actually register them, but simply provide information about how they may be able to register or where they could go to be registered upon their release."

Sharp: "Correct."

Black: "Okay. Okay. I think this is pretty good Amendment, all things considered. Okay, fine. I appreciate your forthright answers and your work on the Amendment."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 992?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of 1459?"

Clerk Bolin: "House Bill 1459, a Bill for an Act concerning legislative campaigns. Third Reading of this House Bill."

Speaker Hartke: "Move that Bill back to Second for purpose of an Amendment at the request of the Sponsor. Is Representative Feigenholtz in the chamber? Out of the record. House Bill 3947. Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3947, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3906. Representative Hultgren. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3906, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Further Amendments? No Amendments. Third Reading. House Bill 3649. Representative Kenner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3649, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Kenner, has been approved for consideration."

Speaker Hartke: "Representative Kenner."

Kenner: "Yes. Thank you, Mr. Speaker. I would make a Motion to withdraw Amendment #1."

Speaker Hartke: "Amendment #2 (sic-#1) is withdrawn. Further Amendments?"

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

Speaker Hartke: "Representative Kenner."

Kenner: "Thank you, Mr. Speaker. Amendment #2 amends the Comptroller Act and basically, eliminates the Comptroller's ability to offset certain payments, those being, reimbursements and other reimbursements for expenses that employer makes for the convenience of the employee for child support payments."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker just an inquiry of the Chair. I'm just trying to make sure our files are in order. Did the Gentleman withdraw Floor Amendment #1?"

Speaker Hartke: "Yes."

Black: "And Floor Amendment #2 then becomes the Bill? Okay, fine. We have everything we need. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 3649?' All those in

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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 Bolin: "No further Amendments. A Fiscal Note has been requested on the Bill, as amended by Amendment #2. That note has not been filed."

Speaker Hartke: "The Bill will remain on Second Reading pending the submission of the Fiscal Note. House Bill 3490, on Third Reading, on page 3 on the Calendar. Representative Moffitt. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3490, a Bill for an Act in relation to gambling. Third Reading of this House Bill."

Speaker Hartke: "Representative Moffitt."

Moffitt: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. 3490 would raise the age for all gambling, in effect then in Illinois, to age 21. This would include purchase of lottery tickets and wagering on horse racing. This is a result of a special commission that was appointed by the President of the United States, the Speaker of the House and the President of the Senate and conducted a two year study on the impact of gambling. And one of the recommendations of that commission, made on June 18, '99, was that gambling should be restricted to those who are 21 years old or older. And national research estimates that there are 1.1 million adolescents between the ages of 12 and 18 who are pathological gamblers. The younger gamblers have a much higher percentage rate than do adults. 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 3490?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3490, there are 115 Members voting 'yes', 3 people voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4074. Representative Scott. Mr. Clerk, read the Bill. Representative Hannig."

Clerk Rossi: "House Bill 4074, a Bill for an Act concerning housing affordability. Third Reading of this House Bill."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker. House Bill 4074 was an initiative that came out of the House Urban Revitalization Committee. It passed out of that committee unanimously. There is no opposition, that I'm aware of, to the Bill. It creates a program so that we can work with employers and municipalities to help stabilize some neighborhoods by providing more affordable housing near where the employers have their places of business. I'd ask for your favorable support of this Bill."

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

Parke: "Thank you, Mr. Speaker. Again, isn't this the Bill that we discussed in Urban Revitalization that gives the local government the ability to take housing that is dilapidated and uninhabited and they have to give them a certain time line of which they either have to clean it up or no, okay? Tell us, again, what this Bill does."

Scott: "That was a different one, Representative. That was the Abandoned Housing Rehab Act. We passed that one. This is the one that allows IDA and the municipalities to work with employers to provide for housing assistance for the employees of that particular company. And the goal was to

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try to stabilize certain neighborhoods. We talked about areas like older neighborhoods of cities where it helps the employers to be able to have their employees live close, helps the employees because they can live close to their place of employment and obviously, helps to stabilize some of the neighborhoods by providing for home ownership."

Parke: "I'm with you now. I remember now. Did the free market system contact you? Did the Illinois bankers or mortgage brokers or anybody contact you on this?"

Scott: "I heard nothing from anybody negative about this. Of course, for their standpoint, it obviously makes more people be able to move into a loan situation. So it would really be pretty good for them and I know this was important, we ran into this last week, but the realtors, the home builders, they're okay with this particular Bill. And in speaking with IDA, they're fine for us moving this Bill, as well."

Parke: "What is the position of IDA on this?"

Scott: "They're fine with us moving the Bill. I talked to them yesterday. Remember, we held it up for a week in committee. They were neutral in the committee. We talked about whether or not we needed to change any language. I spoke with the counsel for IDA yesterday and he informed me that they were fine with moving the Bill the way that it is now and they so informed their lobbyist here, yesterday."

Parke: "I understand that you feel really strong about this as did other Members of the Urban Revitalization Committee. But you know, one of the things that I keep pushing for, that I think really has merit, is to these kinds of programs on the face of 'em sound like they're good ideas and should work, but we don't know if they're gonna work. I mean, have you given a thought to putting a three year

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sunset on this and come back to the General Assembly or did we already do that because I recommended that last time? What did..."

Scott: "You're exactly right. You recommended that. Actually, we put a five year sunset in, but we did put a sunset in at your recommendation. We also added a accountability provision so they have to report to us every year on how the program's goin'."

Parke: "I'm pleased. Would you make a point to report to the Members of the committee next year as to how it's being implemented and what's goin' on so that we can follow it and make sure that, in fact, this is something's that's worthwhile and we're really doin' a good job for the people of Illinois? I will support your Bill, as you've done it and I appreciate the sunset provision and the reporting procedure and let's hope that it achieves what you'd like to see happen with it."

Scott: "Thank you, Representative."

Speaker Hannig: "Representative Scott, to close."

Scott: "I appreciate, not only Representative Parke's comments, but also the work of the other Members of the committee. This is about as close to a committee Bill as you can get because it came out of ideas that arose while we were doing a tour of different cities throughout the state. It's really a good idea. It has not only the support of the people that we mentioned, but I think, you're also gonna find employers really like this because it gives them the opportunity to bring their own employees into the neighborhood that they're in, especially, in transitional neighborhoods this can be really helpful. I really appreciate all the support that we've got. I appreciate your 'aye' vote."

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Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4370."

Clerk Rossi: "House Bill 4370..."

Speaker Hannig: "Mr. Clerk, we're gonna have to take that Bill out of the record. We believe it was amended today. Okay. Mr. Clerk, read House Bill 3005."

Clerk Rossi: "House Bill 3005..."

Speaker Hannig: "Out of the record. Mr. Clerk, would you read House Bill 4148."

Clerk Rossi: "House Bill 4148, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Hannig: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4148 provides for seizure and forfeiture of vessels, vehicles and aircraft used in the commission of certain firearms and deadly weapons offenses. This would enable law enforcement agencies to seize a vehicle if it is found to contain machine guns, silencers, grenades, bombs and other bomb making materials. I ask for an 'aye' vote."

Speaker Hannig: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby

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declared passed. Mr. Clerk, will you read House Bill 4340."

Clerk Rossi: "House Bill 4340, a Bill for an Act concerning military funeral honors. Third Reading of this House Bill."

Speaker Hannig: "Representative Sommers (sic-Sommer)."

Sommer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4340 establishes the Illinois Military Funeral Honors Program which insures the appropriate final tribute to deceased veterans and former Governors in the absence of federal military honors or honors provided by veterans' organizations. This is agreed to by the veterans' organizations of Illinois and would be administered by the Department of Military Affairs. Be happy to answer any questions."

Speaker Hannig: "Is there any discussion? There's no discussion. So the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 4369."

Clerk Rossi: "House Bill 4369, a Bill for an Act amending the Tobacco Accessories and Smoking Herbs Control Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Osterman."

Osterman: "Thank you, Mr. Speaker and Members of the House. House Bill 4369, Floor Amendment #1 becomes the Bill. The Bill amends the Tobacco Accessories and Smoking Herbs Act. The Bill prohibits the sale of 'bidi cigarettes' which are

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hand rolled, nonfiltered tobacco cigarettes wrapped in tendu and temburni leaf with a string attached to the end. These cigarettes are most often flavored. In recent years, these cigarettes had been growing popularity in use amongst youth. The goal of this Bill is to curb young people from beginning to smoke these cigarettes and beginning to smoke. There are no opponents to this Bill. I would ask for your favorable consideration for this Bill and would be happy to answer any questions. Thank you."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, how do you pronounce that? 'Bidi cigarettes'?"

Osterman: "Beady or bidi."

Black: "Bidi or bitey?"

Osterman: "Bidi or beady."

Black: "Beady. Beady cigarettes. Who makes those? Who makes the 'bidi cigarette'?"

Osterman: "They're most often made in India or Southeast Asia."

Black: "Oh, so we import these?"

Osterman: "They're brought into our country, yes."

Black: "Well, whatever happened to the buy American philosophy around here. What are we doing? Importing cigarettes from India, for God's sake. What's the matter with good old 'Joe Camel'? This is an outrage. You mean to tell me these cigarettes are made in India? Where else? Where else are they made?"

Osterman: "Southeast Asia."

Black: "Southeast Asia. I visited there once. Have no desire to

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go back. Are they paying taxes on these cigarettes when they come into this country?"

Osterman: "Many times they're not. Many of the cigarettes that are bought are not have taxes on 'em."

Black: "This is an outrage. Have you asked the Attorney General to convene a statewide grand jury? I want to get to the bottom of this. Who's bringing them in?"

Osterman: "They're being brought in by importers that are bringing 'em in and selling 'em to distributors throughout the country."

Black: "And what's this I read, they're in technicolor. They're various colors? Pink, blue."

Osterman: "They're flavored cigarettes. Strawberry, cherry, mango."

Black: "Flavored cigarettes."

Osterman: "Yes."

Black: "Well, I've got to tell ya, Representative. If your side of the aisle keeps me here about another two hours, I'm so hungry I'm about ready to eat some flavored cigarettes. Do you have any on ya? Do you have any with you?"

Osterman: "Actually, I do, Representative."

Black: "Ahh, hah. Is there a tax stamp on that pack that you have?"

Osterman: "Actually, on this one, there is. But on many..."

Black: "Ahh, I see."

Osterman: "...that were given to me, there are not."

Black: "I see. And your Bill is going to outlaw these, right?"

Osterman: "It's gonna prohibit the sale, yes, throughout the State of Illinois."

Black: "But why don't we prohibit the importation? Let's not worry about selling 'em. Let's not let 'em even come in here. Are these cigarettes being put together in

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sweatshops by child labor?"

Osterman: "Yes, they are."

Black: "For heaven's sakes. The next thing you know, they'll be importing old Nike tennis shoes and smoking those. Where does it stop, Representative? Where does this stop? You know, I'm just..."

Osterman: "Well, with your help, Representative, we'll be able to stop that importation and the sale of these cigarettes."

Black: "Well, I would certainly hope so. What's gonna be the penalty for importing these 'bidi cigarettes'?"

Osterman: "The penalty for selling 'em, on the first offense, is a Class C misdemeanor, fine not less than \$100 and not more than \$500. It goes up from there."

Black: "And these cigarettes are coming in and we're not getting any cigarette tax money off of these things?"

Osterman: "Not that I'm aware of."

Black: "Is that right? I mean, they can actually sell these in Illinois and the Illinois cigarette tax isn't being collected?"

Osterman: "In many cases, yes."

Black: "Well, isn't that already illegal?"

Osterman: "Yes, it is."

Black: "Have you ever had an analysis done of what might be in these cigarettes?"

Osterman: "No, I've not. Tobacco is in them and they're flavored, they're hard, they're in a temburni leaf."

Black: "Good heavens. At least, if they were an American cigarette, we know that they're grown under relatively sanitary conditions and subsidized by the United States Government. At least, we could say that. I have just never heard of this. Of course, I live in a small town. What do I know. Closest thing I've ever seen to a 'bidi

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cigarette' is when I used to chew Redman, many, many years ago. Now, you have an Amendment on this Bill, do you not?"

Osterman: "It was a Floor Amendment that was on the Bill yesterday, yes."

Black: "Okay. Now, what does the Floor Amendment do? Bring me up-to-date on that."

Osterman: "It takes the... the original Bill had a filter on there and it takes the filter definition off so they can't add filters to the cigarettes in the future and then be able to sell them in the state."

Black: "All right. Well, Representative, this isn't a smoke screen on your behalf, is it?"

Osterman: "No, it's not."

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

Speaker Hannig: "Yes, to the Bill."

Black: "The hour grows late. I'm extremely hungry, as I know you are. And once again, we've been here, how many hours? Going on eight, nine hours? And we're going to rid the free world of 'bidi cigarettes'. That's what I've waited all day for is this Bill. I tossed and turned all night last night because on my way home I was accosted. On my way home, by Lincoln's home as I recall. Somebody offered to sell me some 'bidi cigarettes'. Where's a police officer when you need 'em. Had I had any idea that these were illegal, I would have called for the police right there, but come to find out, we don't have a law. So now, Representative Osterman, as his defining moment as a new Member of the General Assembly... Ladies and Gentlemen, I can see it now in the next issue of the Blue Book. The founder of the anti-'bidi cigarette' law, your friend and mine, Harry 'Lucky Strike' Osterman. How in the world can I vote for this Bill? I can remember when a Gentleman

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would sponsor a first Bill down here and it would be something important, like naming the state dance or naming the state soil or trying change the state, what is that animal? From the deer to the frog. I think, Lauren Beth Gash had that her freshman year. Failed then, too. So now, we're stuck here at night, hungry and tired and I'm gonna come over and take a look at one of these 'bidi cigarettes'. And if you don't break for dinner pretty soon, I'll let you know what they're like with a little barbecue sauce. But I'll just tell you what. Representative, the last cigarette tax increase in the State of Illinois, do you know what that money went for? Fourteen cents a pack. Do you know what that money went for?"

Osterman: "Education."

Black: "Education. Smoke one for the kids, Representative. Vote 'no' on this Bill. The kids need the tax money. Holy mackerel. You're trying to dismantle our school system, as you live and breathe. I mean, it's an affirmative defense in this state. If a kid is caught smoking or trying to get on a riverboat or trying to play the lottery, since all those taxes go to support education, all the minor has to do is say, 'Your honor, I'm just trying to get a new computer for my school.' And here you are, trying to destroy the very substance of our educational funding system and removing these 'bidi cigarettes' from taxation and retail sale. Well, it's an outrage. Vote 'no'."

Speaker Hannig: "Representative Lang."

Lang: "Well, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Lang: "Representative, as usual, Mr. Black has not too quietly, but eloquently stated an important point. Let me discuss a

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couple of issues with you. First of all, many Members of this Body may not be aware, this is your first Bill, is it not?"

Osterman: "Yes, it is, Representative, as you well know."

Lang: "Now, since it is your first Bill, there are some people on the floor that are not sure whether you pronounce your name Osterman or Osterman. Will you help us?"

Osterman: "Actually, it's Representative Osterman."

Lang: "Representative Osterman. Can we just call you Harry?"

Osterman: "Call me Harry."

Lang: "Well, Representative, you earned the title, you deserve it. So Representative, it's been pointed out to me that the title of your Bill actually may be politically incorrect. I always thought a 'bidi' was a little old lady. Has the AARP contacted you about your Bill?"

Osterman: "No, they did not."

Lang: "Well, do you know if they're for this or against this?"

Osterman: "I know that they are."

Lang: "Now, are you trying to stop the cigarettes that the little old ladies roll or the ones they sell or ones they smoke."

Osterman: "Not the ones they roll or the ones they sell or the ones they smoke."

Lang: "So this only bans little old ladies from smoking cigarettes?"

Osterman: "No, it does not. It bans cigarettes that are 'bidi cigarettes' that are smoked by mostly a lot of young people in our community. On Tuesday, we had over 200 kids here that we're outraged and speaking out against smoking in the State of Illinois and many of those kids are gonna be faced with a decision about to smoke or not to smoke and hopefully, banning these cigarettes will not give them that choice and they will be able to not smoke. So that's kind

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of the..."

Lang: "Can we have order here, Mr. Speaker. Representative Osterman..."

Osterman: "Is that a filibuster, Representative Lang."

Lang: "...is trying to explain the Bill to me. A little order, little order. All right. Let's move on. No one's listening to your answers, anyway. Let's move on. So this is not about little old ladies?"

Osterman: "Absolutely not."

Lang: "So they can smoke these cigarettes?"

Osterman: "Not after this Bill passes, no."

Lang: "All right. You think this'll get out of the Senate Rules Committee?"

Osterman: "I would hope so."

Lang: "Can you put a couple of my Bills on this with yours and maybe help me out?"

Osterman: "That might tie it down a little bit, Representative."

Lang: "Let's talk about this from another aspect. Have you discussed this Bill with Representatives Fritchey and Feigenholtz?"

Osterman: "I asked their support for this Bill."

Lang: "Well, the reason I ask is that we have this tobacco settlement money coming to Illinois and they're trying to deal with that. Does this have anything to do with that? Will that have anything impact?"

Osterman: "I don't know that it will have any impact."

Lang: "Well, if we sell less of these, will we get less than \$9.1 billion?"

Osterman: "No, we will not."

Lang: "If we get..."

Osterman: "Hopefully, we'll have an impact... the settlement is paying for ills that have happened due to cigarette smoke

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throughout the state and throughout this country and hopefully, this will curb people from getting involved in smoking cigarettes."

Lang: "I've been asked if this has anything to do with the hemp Bill that we've been reading about."

Osterman: "Oh, no. It's got nothing to do with the hemp Bill."

Lang: "No because you wouldn't want the people that support agriculture in this Body..."

Osterman: "No..."

Lang: "...to vote against this."

Osterman: "Absolutely not. I would not want that at all."

Lang: "No. No. Well, have you yet explained why you want to pass this Bill. I don't think we heard much about it. I may have heard it and then Mr. Black did his usual thing and now, I'm lost. What does the Bill do?"

Osterman: "What the Bill does is ban 'bidi cigarettes' which, in many cases, are being smoked at increasingly alarming rates by the youth of our state and of our country. Recently, the City of Chicago banned these cigarettes and hopefully, this ban, the statewide ban, would curb a lot of young people from using these cigarettes and smoking them and getting involved in smoking."

Lang: "So they're smoking at alarming rates. Does that mean they're smoking like two, three at a time?"

Osterman: "No, not two, three at a time. But studies have shown that they're smoking... more and more people are smoking these cigarettes."

Lang: "How do you buy these? Do you buy them by the pack?"

Osterman: "You buy them by the pack at cigarette stores and convenience stores, sometimes in health food stores."

Lang: "But not from little old ladies."

Osterman: "Not from little old ladies."

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Lang: "Wait a minute. You buy these at health food stores?"

Osterman: "Many times they're sold at health food stores, yes."

Lang: "Well, I thought you were trying to help the health of Illinois. If they're sold at health food stores, aren't they automatically, okay?"

Osterman: "Well, hopefully..."

Lang: "Are they in the store right next to kelp and alfalfa sprouts and those good things."

Osterman: "Hopefully, they'll have other options in the health food stores that they can go to and choose."

Lang: "I bet... shoes?"

Osterman: "Well, people can go there and get other healthy products not cigarettes, not these 'bidi cigarettes'."

Lang: "Well, then why do health... Shouldn't we, instead of banning these, just regulate health food stores and make sure that they're only selling good..."

Osterman: "Cigarettes... cigarettes..."

Lang: "Can I finish my question, Representative? You know, I won't let them on the other side of the aisle interrupt me. I'm sure not gonna let you do that. Now, I forget my train of thought. I may have to start all over. Calm down, calm down. All right, I've had enough of this. Vote 'no'."

Speaker Hannig: "Further discussion? Representative Winters."

Winters: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he will."

Winters: "Representative Osterman, I understand you're a freshman Legislator. Did you talk to the Speaker about scheduling this Bill for debate? Did you request a day for the debate?"

Osterman: "No, I did not."

Winters: "Okay. So it wasn't under your control when you actually called it?"

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Osterman: "No, it was not."

Winters: "Did you particularly avoid yesterday for any reason?"

Osterman: "I had an Amendment on the House Floor yesterday that I added."

Winters: "But was it on Third... could it have been the third day of reading, yesterday? You could have called it yesterday if you wanted."

Osterman: "No, I could not have."

Winters: "Okay. So you actually think that you have a legitimate reason for trying to avoid all the negative publicity this might have garnered, yesterday?"

Osterman: "Yes."

Winters: "Are you thinking it was a legitimate reason, okay. Now, can you tell me some of the interest groups that might be for or against this Bill?"

Osterman: "There are no opponents to the Bill. The proponents to the Bill are the Illinois Coalition Against Tobacco, the American Cancer Society, the American Lung Association and the American Health Association."

Winters: "I want the opponents."

Osterman: "There are no opponents that I know of."

Winters: "You're absolutely certain there were no slips in opposition to this Bill?"

Osterman: "Yes."

Winters: "Well, what I heard yesterday, there was a lot of attendance in the galleries yesterday. They were packed most of the day. And I think you specifically chose not to put your Amendment on the previous day so that you wouldn't have to call it when one of the most powerful lobbying groups down here, the American Association of Retired People, with many, many constituents here would have violently opposed this Bill. Any Bill... to the Bill, Mr.

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Speaker. Any Bill that would seek to ban old 'bidis' is absolutely unconstitutional, against the rights of every citizen here. This freshman is trying to absolutely discriminate against the senior citizens of the State of Illinois. Absolutely ridiculous. What an affront to the seniors. I urge its defeat."

Speaker Hannig: "Well, we've had three speak against the Bill. Representative Scully. Do you rise to speak in favor of this Bill or in opposition?"

Scully: "I'm in opposition to the Bill."

Speaker Hannig: "Well, we'll grant you some time, Representative."

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

Speaker Hannig: "He indicates he will."

Scully: "Mr. Osterman, nice tie."

Osterman: "Thank you, Representative."

Scully: "Mr. Osterman, are you familiar with some of the rules of liability for manufacturers for products that cause damage to health or death?"

Osterman: "No, I'm not."

Scully: "Do you think that the manufacturers of these 'bidi cigarettes' should be liable for any damage that they cause?"

Osterman: "Absolutely."

Scully: "Do you think if, for example, if I were to be smoking these 'bidi cigarettes', that I should be able to hold them liable for any damages caused to me?"

Osterman: "I would think so, yes."

Scully: "That's wonderful. Yeah, there's a rule of civil liability, that if damages is caused to me by an intervening criminal act, the manufacturer is insulated from liability because I was not damaged by his

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manufacturing, but by the intervening criminal act of someone selling me these 'bidi cigarettes'. Does your Bill effectively insulate these manufacturers from liability?"

Osterman: "I would think not."

Scully: "Yet you're criminalizing the sales of these products."

Osterman: "Yes."

Scully: "And wouldn't my use of the product in the State of Illinois would be the result of a criminal act of someone selling it to me?"

Osterman: "Many of the manufacturers are in India and Southeast Asia so tryin' to track them down for criminal prosecution may be difficult."

Scully: "I don't want to track 'em down for criminal prosecution. I want to track them down for the purpose civil liability for the damages they are causing by selling these 'bidi cigarettes'."

Osterman: "Well, hopefully, if we ban the sale of these cigarettes, we won't have that situation."

Scully: "But in the event I do smoke one, they would be insulated from liability. To the Bill."

Speaker Hannig: "To the Bill."

Scully: "It's clear and obvious that this Sponsor is hiding the true benefactors of this Bill. He's actually showing up for the manufacturers of these cigarettes to insulate them from civil liability for the damages they're wreaking on our society. Vote 'no'."

Speaker Hannig: "Representative Crotty, for what reason do you rise? In favor of the Bill?"

Crotty: "Pardon me?"

Speaker Hannig: "Do you rise as a proponent or opponent?"

Crotty: "Well, I think I may support the Bill after I have this question answered."

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Speaker Hannig: "I see. Well, proceed."

Crotty: "And just to cut time, this is a question that both Representative O'Brien and I have. She and I both really enjoy country western music."

O'Brien: "We like both kinds, country and western music."

Crotty: "Country and western music. And there's a song that has like, it's all right to be real 'bidi' and then part of that song goes on and it says, life goes on for a little 'bidi' while. We're not outlawing that song, are we? Oh, then I'm in full support of your Bill and I urge everyone else to support it."

Osterman: "Actually, Representative, if you would like to sing that song for the House, that might be a good idea."

Crotty: "Representative, we need someone to play the guitar and plus, this isn't our first Bill. We already went through this. Thank you very much."

Speaker Hannig: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. Representative Mathias, for what reason do you rise?"

Mathias: "I just have one question of the Speaker (sic-Sponsor). How many Republican Sponsors do you have on this Bill?"

Osterman: "At the present time, none."

McCarthy: "In my short term, in this House, I've learned that if you really want to get a Bill passed and if it's a good Bill, you really need to get bipartisan support. Since you don't want to reach out to our side of the aisle for support, I just have to urge my fellow Republicans here to take that into consideration in their vote. Thank you."

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Speaker Hannig: "Representative Osterman, do you think there's anything you can say in closing?"

Osterman: "Just that I would urge... there's still time for the Republicans to sign on as cosponsors of this legislation. But Ladies and Gentlemen of the House, I would encourage your support of this Bill. It is a serious Bill and there are many people that... young people that are smoking more and more everyday and hopefully, this will curb some of that smoking. So I urge your support of this Bill."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. And 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 118 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read House Bill 4632? Representative Boland."

Clerk Rossi: "House Bill 4632, a Bill for an Act amending the Election Code. Third Reading of this House Bill."

Speaker Hannig: "Representative Boland."

Boland: "Thank you, Mr. Speaker. House Bill 4632 would extend voting to any registered voter that is age 65 and older who prefers, for whatever reason, not to vote in person at their polling place on election day. Thirty states currently permit senior citizens to vote by absentee ballot. Illinois is one of only 20 states in which elderly voters must meet other criteria in order to vote absentee. This Bill is supported by the Cook County Clerk, Protestants for the Common Good, Citizen Action."

Speaker Hannig: "The Gentleman has moved for passage of the Bill. Is there any discussion? The Gentleman from Vermilion, Representative Black, do you rise in opposition or in

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favor?"

Black: "In opposition, Mr. Speaker."

Speaker Hannig: "Proceed."

Black: "And very briefly, to the Bill. Again, it's an idea that's difficult to quarrel with. I'll revise and extend my remarks, the other day, about Internet voting. I don't have any problem with absentee ballots, if you're aged infirmed, ill, that's what it's designed for. But to just make a capricious and arbitrary statement that once you reach the age of 65 you should automatically be able to vote absentee, regardless of your health, I think in some cases, I know my father, who's 82, would be insulted at this Bill. There is no reason just to blanket an entire population of people and say just because you're 65, it doesn't make any difference if you're ambulatory or in good health, if you want to vote absentee, that's fine. Ladies and Gentlemen, I want to tell you something. The history of absentee voting in this state is not altogether a pretty picture. It has been abused over the years. There have been people indicted for absentee voting, some of them down in my county. And just to make a blanket exception because you reach a certain age that all you have to do is be 65 and then you vote absentee, I do not think that is good public policy. What's next, 55, 50, 20, 21? It's too hot, too cold, too wet, too dry. You don't want to go vote, don't worry about it. Your friendly county clerk will bring you an absentee ballot. I think that cheapens the process that many people have sacrificed for to give us the responsibility of voting, not an inherent right to vote, but a responsibility to vote. Absentee voting was set up for a specific reason and here comes a Bill, that just says, hey, you're 65, vote absentee, what the heck. Well,

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then there's no reason to lower it a year from now, let's lower it to 55, let's lower it to 35. Pretty soon, close all the precincts, get rid of all the election judges and everybody can vote absentee or better yet, we'll vote on the Internet. At some point, you have to stand up and say, you have a responsibility to vote. And if you're healthy and you can get to the polls, you vote. And the last time I was in my precinct, well over half the voters were over the age of 65 and by God, you couldn't keep 'em away from there because they understand what it means to have the responsibility of voting. No matter how well-intentioned this Bill is, I intend to vote 'no'."

Speaker Hannig: "Representative Andrea Moore. Do you rise as a proponent or opponent? Pardon me?"

Moore: "Opponent."

Speaker Hannig: "Opponent. Please proceed."

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

Speaker Hannig: "To the Bill."

Moore: "Normally, I support election reform. I served as Elections Committee Chairman for the two years that we were in the Majority here and we did a lot of election reform, so much had not been done in almost 20 years in this House. This Bill is not a good Bill and it's for the simple reason that the greatest area that provides for election fraud is in the area of absentee ballots. For that reason, I stand in opposition to this. It's very difficult for the county clerks. It's very difficult for law enforcement, for state's attorney. We sponsored legislation to do absentee ballot reform because of the amount of fraud that was occurring. This provides another opportunity for a very large voting block in our state. And I would stand in opposition to this Bill."

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Speaker Hannig: "Representative Erwin is recognized. Do you speak in favor or in opposition?"

Erwin: "In favor of the Bill, Mr. Speaker."

Speaker Hannig: "You're recognized for five minutes, Representative."

Erwin: "Thank you. I rise in strong support of this Bill. I'm not even one of the Sponsors or Cosponsors, I don't think, but Representative Boland and the other bipartisan Sponsors on this Bill, I'd really like to applaud it. At one point are we gonna wait until participation levels are so low that we are literally governed by the slimmest margin of people. Illinois happens to have more barriers to electoral participation than most states in the nation. Ladies and Gentlemen, there are many states, right now, that allow absentee voting for everyone, for any reason. And the fact of the matter is, in this day and age with two working parents, who work long hours, who have to drive their kids to day care, who drive, in many cases, many miles to and from work, it is utterly ridiculous to me that we should not be opening up the doors to electoral participation. At a very minimum, at a very minimum, we ought to allow older residents considering the fact that we have primaries in the middle of the winter, as opposed to a reasonable time like August or September, at a minimum, we ought to be able to let older residents vote by absentee and mail. If this works in so many states, this red herring about vote fraud is just that. At this point, if we want to keep raising vote fraud and why do we keep raising that, it's an inconvenience to the clerks? Well, guess what. If no one votes, will the county clerks be happy? When no one votes, it won't be any paperwork for them then, will it? We ought to be doing everything we can do to increase voter

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participation. In our neighboring states, there's same day voter registration on election day, there is voting by mail. In Oregon, they're doing almost all their elections by mail. This is at a minimum, ought to be something that we should support. I think, anybody opposed to this Bill ought to be ashamed of themselves. And you all ought to vote 'aye'."

Speaker Hannig: "Representative Boland, to close."

Boland: "Thank you, Speaker. And let me echo the previous speaker and also say that as some of us get closer to that age of 65 when we're considered senior citizens, we know that we begin to develop a few more health problems. It's a little harder maybe for seniors to get around. I think that Representative Erwin very aptly pointed out the problem that seniors sometimes have in our primary election which comes in really bad weather, normally, this being an unusual year. I think this is the least we can do to catch up with all of our nearby Midwest states and the other 30 states that allow this. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 68 voting 'yes' and 47 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4478."

Clerk Rossi: "House Bill 4478 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

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Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. First of all, before I present the Amendment, I would like to thank the Members for their indulgence for the last week with this matter. I know it's been a trying time dealing with all the different interest groups regarding this issue. We have a temporary agreement which we're gonna attach this Amendment. This Amendment does a couple things. Number one, it will give authority to the Attorney General who will take the place of the board that we originally proposed in the Bill. The Attorney General will now make all decisions and a board will be established only for advisory purposes which as everyone knows the Attorney General has taken the lead in the state on managed care reform complaints and things of that nature so this is consistent with what is already going on. Second of all, what it does is it brings on most of the health care providers such as dentists, podiatrists, nurses, all the way down the line and the reason now that they will be at least neutral on the Bill is that what the Amendment says is that one profession cannot negotiate with a plan to cut out another profession from participating in that plan. Based on that, I would ask for your approval on this Amendment. And additionally, the agreement that we have on this Bill is that we are going to extend the deadline on this Bill and continue to have committee hearings. As you all know, from talking to the different groups that have pulled you off the floor, we know this is a complicated issue. The Bill is in its infancy, right now. It's a Bill that we feel has a lot of merit to continue to negotiate and to develop. And again, I thank your indulgence. I thank Speaker Madigan's indulgence. And also, Leader

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Daniels who also has worked with us on this. So based on that, we will hold the Bill 'til the end of the General Assembly and hopefully, have enough information coming into the next General Assembly where we can address this maybe in a more educated manner. So based on that, Mr. Speaker, I would ask that we adopt Floor Amendment #2 to House Bill 4478."

Speaker Hannig: "And on that question, Representative Daniels is recognized."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. We support the Gentleman's Motion to adopt this Amendment and we support the agreement that has been reached with the extended deadline on this legislation. The Bill will be held on Second and not called for a vote during the term of this legislative Session. In the interim, there will be committee hearings on this issue and it will be presented for legislative action, one way or the other, in the next General Assembly. We all recognize that this is a very important issue for all matters and all people and business and the medical society involved. And we hope that in the final end, that at some point in time, a reasonable compromise can be reached. But in the mean time, we also understand the difficulties that are presented to us and agree with the Gentleman's Motion to adopt this Amendment, hold this Bill on Second and not call it for a vote during the life of this General Assembly. Thank you."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he will."

Parke: "Representative, does this Amendment become the Bill?"

Saviano: "No, it doesn't."

Parke: "So this is just added on top of the underlying Bill."

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Saviano: "This addresses some of the Attorney General's concerns which will give... up the comfort level for his office to continue to work with us. And it also brings to the table, in a friendly fashion, the other health care providers who had some questions on the original Bill."

Parke: "Do you know... when did this Amendment come out? Is this a Floor Amendment? Did it go through any committee?"

Saviano: "This Amendment came out of Rules, I believe, two days ago, straight to the floor."

Parke: "Do you know if the business community is in favor of this compromise or is there any groups that have indicated that they're still in opposition to the compromise?"

Saviano: "We know of no opposition to the compromise that is at hand right now. We just met with the business groups and the medical society and everybody is in agreement."

Parke: "Okay. Thank you."

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

Clerk Rossi: "No further Amendments."

Speaker Hannig: "Representative Saviano. I'm sorry. Did you indicate you wanted to hold this on Second? So the Bill will remain on the Order of Second Reading at the request of the Sponsor. Mr. Clerk, read House Bill 3093"

Clerk Rossi: "House Bill 3093, a Bill for an Act amending the Rivers, Lakes and Streams Act. Third Reading of this House Bill."

Speaker Hannig: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Excuse me. Representative Hartke, would you like to get off the phone? Thank you. This Bill has two

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components. First of all, it would prohibit the clear cutting, the wholesale taking of trees within 15 yards of any navigable river. That's defined as approximately 8% of all the rivers in Illinois. These are the largest rivers. Initially the Bill covered all the state. We limited it to 8% of all the rivers and we went from 40 yards to 15. That is the first component of the Bill. The second component would implement a voluntary program that is currently in Iowa to protect buffer zones along all streams and rivers. This is currently in effect in the State of Iowa. They've had a great deal of success. What we intend to do is, if we pass this Bill tonight, to work with the Governor's Office and the department in an effort to try to secure... to review the issue of tax credits to encourage more participation in this voluntary program. It's had great success in Iowa. We are attempting to implement it in Illinois. The regulations that would be forthcoming would be through the Department of Natural Resources. They would issue the regs and rules in regard to what is navigable, where the line would be on the 15 yards. So they would be in charge of making those decisions. They have the division of waterways. They have the expertise in which to do this. Now, let me just say this, we started off and we've made a number of concessions to various groups. We've addressed most of the concerns of all the groups. We now have the Department of Natural Resources as a proponent. The Illinois Farmers Union is a proponent. The Rural Electric Cooperatives are a proponents. The Illinois Environmental Council is a proponent, the Sierra Club, the Prairie Rivers Initiative, the Mid America Electric Utility, Illinois Power. In fact, Lake County with the districts, I talked to Representative Moore and the realtors, the Association

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of Realtors, are not opposed to this Bill. The Illinois Association of Realtors and the Home Builders are not opposed to this Bill. This is a very practical balance issue on how we're doing this. It's a good approach. And I would ask your support and I'd be happy to answer any questions. Representative Hartke."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black. Do you rise as a proponent or opponent? Opponent?"

Black: "Yes, I believe, Mr. Speaker, I rise in opposition if the Sponsor would yield?"

Speaker Hannig: "Very good. And proceed. Yes, he'll yield."

Black: "Thank you. Representative, under this legislation does jurisdiction over a streambank stabilization rest in the control of the United States Army Corps of Engineers or the Illinois Department of Natural Resources?"

Granberg: "The United States... the Corps of Engineers. If there's any disparity between who controls, Representative, and obviously, we'd have to dovetail the legislation or the rules and regs to conform with the Corps of Engineers. The Federal Law, obviously, takes precedence."

Black: "Absolutely. Does not the Corps of Engineers, on occasion, recommend clear patch cutting in some circumstances so as to stabilize streambanks?"

Granberg: "Yes and the intent of the Bill is certainly to allow that to happen. I have talked to the Department of Natural Resources. The intent clearly is to help streambank stabilization. If they want to reforest to do that, certainly that's what would happen."

Black: "All right. But there may be a confusion of definition. Couldn't someone come into an area and say, 'patch cutting, by any other word, is clear cutting, and you can't do that.'"

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Granberg: "No. The Department of Natural Resources is writing the definition to conform to what we intend to do and that is to allow all of those activities. We are going to address all those, Representative."

Black: "Okay. Where does the 15 yard setback from the water begin, high-water mark or low-water mark?"

Granberg: "The Department of Natural Resources would set that mark. I would assume they would do it at the low-water mark, Representative, or from the bank, itself. But again, they have the expertise. I would defer to them because in no way would we want the high-water mark. We don't want that... the property issue that someone is going to be adversely affected."

Black: "Well, and I was going to say and I would certainly hope not. But I mean, the Bill's not clear, 'cause the high-water mark could present some major problems depending upon what river you happen to live near or on. In the case of a conflict between the Illinois Department of Natural Resources and the Corps of Engineers, who prevails? Who has the ultimate authority to say yes or no, DNR or the Corps of Engineers?"

Granberg: "If it is purely a jurisdictional dispute, Representative, I would assume the Corps would have the priority."

Black: "Have you or any of the authors, supporters of the Bill, talked to the Corps of Engineers? Have they indicated that with all of the other responsibilities they have including a recent revelation of some, perhaps, wrongdoing in lock and canal construction. Does the Corps of Engineers want to get involved in this or have they even been approached?"

Granberg: "We're assuming that the Department of Natural Resources and Department of Agriculture both have

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jurisdiction in these areas. That is why, as a State
Legislator, I'm working with them..."

Black: "Okay."

Granberg: "...to make sure these properties are protected to the
best of our ability and not adversely impact the landowners
or the people who own this timber."

Black: "Do you know if DNR has been in conversations with the
Corps of Engineers?"

Granberg: "No, I do not."

Black: "When you get into issues like this, my fear is always the
ability, particularly of the United States Army Corps of
Engineers, to utilize, extreme isn't the right word, but
they have broad range of powers. Now, to enforce this,
could they not get into certain areas of condemnation and
the taking of property?"

Granberg: "Representative, I don't believe so. And I share your,
not distrust, but skepticism dealing with the Corps, at
times, 'cause I've had numerous issues with them. So I
understand where you're coming from..."

Black: "Okay."

Granberg: "...and I think, the department does, as well."

Black: "Would the landowner be asked to give easements for
streambank stabilization or access to the... where the
clear cutting stops and the forestation begins or would it
just be assumed the Corps would have an automatic easement
or a right to the streambank?"

Granberg: "The property owner can do whatever he or she wants
with that property. This would just be a prohibition
against that clear cutting, the wholesale taking of timber,
that DNR is drafting. We're in no... we don't want to
affect their maintenance, we don't want to affect the
drainage districts, we don't want to affect the normal day

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to day operations."

Black: "No, I understand that. But I foresee some potential problems in that, many years ago, particularly in Central Illinois, probably 20 years ago, people went around and walnut trees were going to be the cash crop of the future. And many farmers, indeed, planted several walnut seedlings and many of these have now, in fact, been harvested or are ready to harvest and if done properly, it can be a cash crop. Now, depending upon where this water mark is, would it not be conceivable that when I moved in to cut down the walnut trees that I had planted and intended all along to har... "

Speaker Hannig: "Representative Black, could you bring your remarks to a close, please?"

Black: "I said, that was my last question. The only thing I'm concerned about, Representative, is it in a case like that then the Corps or the department, may say, 'Well, we understand that you planted the trees and you intended to harvest the trees and you paid for the planting of the trees, but you can't go in and cut within this protected boundary area.' So that, you know, that gets into that issue of, 'Hey, wait a minute, that's my property. Now, you're tellin' me, I can't do it.'"

Granberg: "Representative Black, when you talk about that issue on the walnut trees, I know in downstate, further downstate than you, in the real downstate, they would go in and selectively cut walnut trees, in the real downstate. So that doesn't happen as a matter of course. They don't take all these walnut trees out. But no, that is certainly not the intent. We are worried about that streambank destabilization because myself, as adjacent property owner, 'cause we have a taking of property now when someone does

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that. They're taking my property and sending it down to New Orleans. So, I mean, that's the issue. We don't want to impact those peoples' property rights to the extent of what, I think, you're discussing. And you're well intentioned, I know where you're going with this and I respect that."

Black: "No and it is a legitimate concern particularly if I did plant to the low-water mark, it could, conceivably, become an issue, but I thank you for your forthright answers to the questions."

Granberg: "Thank you."

Speaker Hannig: "Representative Hartke, you rise as a proponent or opponent?"

Hartke: "I'm somewhat opposed. Okay."

Speaker Hannig: "Opposed. Very good. Proceed."

Hartke: "Thank you. Representative Granberg, could I ask you a couple very simple questions?"

Granberg: "Sure."

Hartke: "How many miles are we talking about of navigable streams in the State of Illinois? Do you have any idea?"

Granberg: "Out of the total, it would be 8% of the largest rivers in Illinois."

Hartke: "That's not one of the questions I asked. How many miles of stream are we talking about?"

Granberg: "Now, I know in Illinois there are over 5,000 miles in streams that are being adversely impacted by erosion."

Hartke: "Five thousand miles."

Granberg: "No, no. Representative Hartke..."

Hartke: "Ladies and Gentlemen, you got to just listen to this."

Granberg: "Representative Hartke."

Hartke: "Yes."

Granberg: "Representative Hartke, that was not the answer to the

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question. There are 5,000 miles being adversely impacted, not by this Bill."

Hartke: "How many miles of stream are we talking about with this piece of legislation?"

Granberg: "According to the Department of Natural Resources, Representative Winters, approximately 2500."

Hartke: "Twenty-five hundred miles of streams in the State of Illinois. Do you know what you're talking about here? You're talking about 5,000 miles of streambank, correct? Five thousand miles of streambank..."

Granberg: "Rivers..."

Hartke: "Forty-four, forty-five feet..."

Granberg: "...large rivers..."

Hartke: "...we're talking 15 yards. Excuse me."

Granberg: "...large rivers..."

Hartke: "We're talking about 15 yards on each side. An acre of ground is 33 feet wide, a quarter of a mile long and so for every mile the State of Illinois, the Department of Natural Resources, is now gonna confiscate the property rights six miles on each side of a river, that is 2500 miles long times five that amounts to better than 30,000 acres of land that will be confiscated to protect 'the streambank'. He's talking about clear cutting. When you cut down a tree, Mr. Granberg, what do you have left?"

Granberg: "Well, Representative, there is no confisca..."

Hartke: "You have a tree stump left."

Granberg: "Would you like me to answer the question?"

Hartke: "You don't take the roots out. The roots is what protects the streambank."

Granberg: "Representative, do you want me to answer the question or would you like to proceed?"

Hartke: "Answer the question."

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Granberg: "There is no confiscation."

Hartke: "That's not the point. You are confiscating property rights from individuals. As a farmer, I've had people tell me, 'Look, farmers ought to leave the intersection bare so that we don't collide when we come to intersections. I think, farmers should not plant a crops a hundred to two hundred feet back from the corner of every intersection. They shouldn't plant corn because you can't see.' And I tell them, 'Fine. If you don't want me to plant corn, you lease that acreage from me and I'll let it in alfalfa, I'll let it in grass.' Now, what's more important to control that erosion than roots? You're gonna leave those roots there. Now, if you want to outlaw the farming right up to the streambank, that's fine with me. But this piece of legislation is so vague we don't know where the river's edge ends, we don't know where the bank starts, you don't know... have a definition for a clear cutting, you're not saying six-inch timber, eight-inch timber, twelve-inch timber. Any farmer in his right mind would leave vegetation (sic-vegetation) next to the streambank, so that it would not erode. That's his land. He bought and paid for that land. Now, the Department of Natural Resources wants to compensate me for taking those rights away from me to use that land for any purpose, I'm willing to do it. But this is a confiscation of property rights. You read a very impressive list of individuals who were in support of this Bill, not one darn one of 'em own that land. Maybe some of the farmers from Farmers Union do. Where's Farm Bureau on this? Are they supportive of your legislation? Absolutely not. This is a clear confiscation of individual property rights and I'm opposed to it. Kurt, it's just absolutely wrong. There's gotta be another

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reason that you've introduced this legislation. Willow trees are the best bank preservatives to maintain that stream, we all know that. We don't harvest willow trees for crops. You talk about walnut trees, you talk about other things, I'm smart enough to know and I think you are too, when there's heavy forestation there is no undergrowth underneath that other than the leaves that fall once a year. That river gets up, it takes those leaves off, that ground is bare. It's gonna erode more than if you had most of the trees cut down and allow little saplings to grow up, thick next to that riverbank. This is an absolute travesty. I would urge each and every one of you to vote 'no' on this piece of legislation. And for your information, I own no water... no land next to a river that's navigable in the State of Illinois. I don't know if I want to. I'm not a river rat. Maybe the Sponsor of the legislation is, but I am not. Thank you very much."

Speaker Hannig: "Representative Winters, do you rise as a proponent or opponent?"

Winters: "I think, I'm a proponent, but I'm not sure until I get some answers."

Speaker Hannig: "Well, very good. Proceed."

Winters: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Winters: "I noticed on the computer that the Department of Agriculture entered as an opponent of the legislation. Could you update us on that?"

Granberg: "The Department of Agriculture is neutral on the legislation. The Department of Natural Resources is a proponent. The Department of Agriculture would implement. They would be in charge of the second provision of the Bill that would attempt to implement a voluntary buffer zone

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program, a voluntary program that property owners can enter into and hopefully, as we move the Bill through the process, they might receive some tax credit or some type of treatment to encourage their participation."

Winters: "Okay. Well, let me... Representative Hartke mentioned that he is not a property owner who owns any ground on a navigable river. I do want to thank you for passing out this map of the public waters of Illinois and on looking on that I see the Sugar River right against the Wisconsin border. I'm the buyer, not yet the owner, but the buyer of a mile and a quarter of the Sugar River bank. So out of the 5,000 miles, I have one of those miles. I have a couple of questions that I'd like to get your response for legislative intent when the Department of Natural Resources is writing the rules. For instance, if the forest that we're looking at might be totally made up of garbage trees, of no value for lumber, wildlife cover, in our section of Illinois, box elder trees and willows, in fact, are virtually worthless. If a farmer chose to cut those down and replant with a much more desirable species, can we develop regulations that would allow that through Department of Natural Resources, through a reforestation plan?"

Granberg: "Representative, well, I'm glad you asked that question because we... there is no intent to adversely impact your ownership rights to do that. The intent of the Bill is to try to protect streambank stabilization. If you want to clear out those bad trees and do the types of things you talked about, that would be the certainly intent of the Bill. That's what we want to do."

Winters: "Okay. We're tryin' to make..."

Granberg: "That's the intent of the Bill."

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Winters: "We're trying to make sure that DNR realizes that if there is a forestry plan through the, I believe it is, through the Department of Natural Resources from one of the regional foresters, if his recommendation is to remove the undesirable species and replant with other saplings, it will not look like a forest for a while, but if their intention is there, that you would agree that that would be permissible under this language?"

Granberg: "Absolutely. Absolutely, Representative."

Winters: "Okay. The next question then, I have aerial photos of my farm that were taken by the Army Corps of Engineers in the 1930s. Two-thirds of my farm, at that point, was prairie. It had never been plowed, it had not had any trees removed, and the Army's photography, which I trust, shows virtually no trees up to the bank of the river. It was covered with prairie grasses to the bank of that river. Now, in an effort to restore open space in this state, I am considering turning my farm back into a wetlands. However, since the ending of prairie fires and of active farming of most of my ground, the woods have sprung back up. The fire typically kept those trees down. Could I remove the trees that have grown up unnaturally over the last 60 years and replace them with a native prairie? I am deforesting. I am clear cutting. Would that be permissible under a plan that would be supported by the Department of Natural Resources to actually clear cut and put prairie back in?"

Granberg: "That would certainly be my intention and I would cer... and this will be part of the record for the department because we want to try to protect that environment. The Corps of Engineers took our farm, my family's clubhouse on the river, too, so we've gone through this, as well. No, of course. Now, that's the way exactly

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what we want to do, Dave."

Winters: "Okay. I wanted to get that on legislative intent because, I believe, the language, as it's currently written, would not allow that. Now, if I chose to go in and if I had some good trees, some walnut trees, some green ash mixed in with other trees that were ready to harvest, could I harvest those trees as long as there were remaining trees on the acreage, so that it still remained wooded and allow additional sunlight to hit the forest floor, plant new trees and allow a continual harvest? Is that permissible under this language?"

Granberg: "Absolutely. Absolutely."

Winters: "So, there is no restriction on the right of a farmer to make an economic return on his land by harvesting trees, replanting those if he has drainage structures. We irrigate out of the rivers, so we have to have access to our pipes, we drain. Again, you can clear trees out if it's for an agricultural pursuit."

Granberg: "In fact, Representative Winters, we put language in the Bill to allow for the agricultural exemption for drainage, all those types of issues, because we in no way want to impede what a property owner does, except for this very one limited, limited issue on the largest rivers in Illinois because not only do they... affecting your property rights, Representative, they are. So you're talkin' about affect their property rights as owners. They're affecting your property because when... "

Speaker Hannig: "Could you bring your remarks to a close, Representative Winters? And Representative Granberg."

Granberg: "Yeah. I just wanted to finish the question. So, Dave, when they do that, that property owner clear cuts, that affects your property rights. He's taking your

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property 'cause your property's going downstream. That's where your property's going. He's impacting your property rights, not his."

Winters: "Okay. Thank you very much."

Speaker Hannig: "Representative Brunsvold, are you proponent or opponent?"

Brunsvold: "Proponent, Mr. Speaker."

Speaker Hannig: "Very good. Proceed."

Brunsvold: "Thank you, Mr. Speaker. I stand in support of this legislation. I live on the Mississippi River and the Rock River come together in my district and we have continual problems dealing with siltation. In fact, the point in case, just recently we met trying to dredge what's called Swede Lake, which is right next to the Mississippi, is fed by some area of streams that are silting in because of agricultural products and frankly, the \$4 million to dredge Swede Lake is gonna be useless if we don't solve the siltation problem that's upstream on the farmland. And as Mr. Granberg has said, as we go through these major tributaries here if we don't stop the erosion from the farm ground the farm ground will be gone. The 15 yards we're talking about will be down the river, shortly. So I think we need to start someplace whether it be trees and filtration through grasses to try to stop the erosion into the rivers. Now, in my area, the Mississippi River, we have addressed a lot of the industrial pollution. You know, the river now is much, much cleaner than it used to be and that's because we went in and decided no one's gonna dump these chemicals into the river, again. Well, now, we've got a problem with the agricultural element that's along the river and we need to address that issue to stop the siltation and I think, the farmers are really willing

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to do that. You talk to 'em and work out an agreement, I think, we can work to try to achieve a situation where we can stop the infiltration of the mud and some of the chemicals into the rivers by putting a border land filtration system, if you will, to stop that from occurring. So I need, we need to start here and I support Mr. Granberg's issue and would ask for an 'aye' vote."

Speaker Hannig: "Representative Andrea Moore, do you rise as a proponent or opponent. Opponent?"

Moore: "Proponent."

Speaker Hannig: "Proponent. Well, there's room on either side, Representative. We just want to keep score, though."

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

Speaker Hannig: "To the Bill."

Moore: "This is a very practical, sound effort to reduce the impact that soil erosion and siltation has on rivers. It will protect Illinois' #1 natural resource and that is our soil. I urge an 'aye' vote."

Speaker Hannig: "We've now had three speak in favor and two in opposition. Representative Wirsing, we have one spot in opposition, so we'll give that last one to you."

Wirsing: "Thank you, Mr. Speaker. To the Bill. I guess, as I have heard the debate, and my direction on this and my concern with the legislation is it is being lauded as allowing this space to just simply grow into trees and just kind of do its natural thing, we'll just solve all these kind of problems. And my experience dealing with issues of streams and that sort of thing, that isn't how it works. And it was indicated earlier, the vagueness of this Bill you have to manage those areas. You just don't let the trees grow as they desire because what ultimately happens is you have an area that, in fact, does not hold soil and

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will create contrary to that because of the inability to get in there and deal with it. This does not define exactly how you're gonna manage those areas. Property that is privately owned; how you gonna come in and do that? And that's the concern I have with this Bill is that it does not define that and it ought to. If it's really gonna work and if it's really gonna deal with the issue, just simply letting trees grow is not a magical answer to this issue. There was conversation earlier about the Corps of Engineers. That's where this is gonna go down the road. Ultimately, the Corps of Engineers will get involved and ultimately, the Corps of Engineers will come and impose their many, many powers upon the local area and that will be more than just that short footage that this Bill calls for. That will create the access to get to those rivers and that part of it. That's my concern on the Bill and that's what I think is the problem with the Bill is just simply that well, if we just let natural stuff grow, then it'll take care of the issue. My experience, my practical experience of living on waterways, serving as a commissioner of a drainage district, that that's not how water works. The force of water does what it wants to do when it wants to do it. And so that when you manage banks, you truly and absolutely have to manage them well. So I stand in strong opposition to this legislation. I understand the intent, but there's too many things of detail that are missing here to really make this work and the long historical aspect of it is even of greater concern to me. Now, when I talked about the vagueness of the Bill and the uncertainty of it, you know, we've got rivers that run through lakes. The question is, does that include the lake? Does that include the shore of the lake, as well? I

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mean, there's all these issues that, to me, does not make the Bill a good solid Bill. I would recommend a 'no' vote."

Speaker Hannig: "We've now had three speak on each side. Representative Granberg, to close."

Granberg: "Thank you, Mr. Speaker. Representative Wirsing. Representative Wirsing, let me address a couple of your concerns. First of all, this would no way prohibit a landowner from going in and managing that timber. Representative Wirsing, it has no affect on that. You could, you could do anything, you could very well do anything you want. The Corps of Engineers will not get involved with this, Representative. We can't get the state to tell the Corps to get involved. That's just not true. I know you're well-intentioned, but that's not true. I would never do anything to get the Corps of Engineers involved. You have to trust me, on this. This Bill is very, very simple. It prohibits the wholesale clearing of timber within 15 yards of 8% of the largest rivers in Illinois. A landowner can do what he or she wants, there is no confiscation. We have exemptions for agriculture. We have exemptions for drainage. We have exemptions so the townships can go in and do the work they need to do. The landowner will in no way be impeded in the use of his or her property except for the wholesale clearing of timber into a river. That's all. This is a very, very reasonable practical approach. That's all that is. And you talk about property rights, I'll tell you whose property rights are affected, the people downstream because that land is leaving their property when someone does that, their land ends up in New Orleans. Maybe the Farm Bureau ought to lobby down there, that's where Illinois property's going.

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We need to address this issue. This is a very reasonable approach to doing that. The second portion of the Bill is a voluntary program to encourage these buffer zones, as Representative Brunsvold discussed. We need to increase these buffer zones. That's why the Farm Bureau and the Pork Producers in Iowa were the main proponents of this initiative. They don't want the... you don't think they'd want the pesticides going into the river. They want these buffer zones. That's the second provision in this Bill, voluntary, strictly voluntary. That is the second provision in this Bill. As I indicated, the Department of Natural Resources will do these rules. They know our intent in part because of this debate. It's the wholesale taking of large amounts of timber without reforestation, without putting prairie grass in, that's all this is. The Department of Natural Resources, a strong proponent, the Illinois Farmers Union, the Illinois Farmers Union is a strong proponent of this. Now, you think they wouldn't be interested if their property rights were adversely impacted? Of course not. They know this is a very reasonable and balanced approach to save the topsoil of Illinois. Fifteen yards, that's all it is. The Rural Electric Co-ops, the Environmental Council, the Prairie Rivers Initiative, the Sierra Club, utilities and again, for my friends who are worried about property rights, the realtors have no opposition to this Bill. The Illinois Association of Realtors, who make property rights their top issue, are not opposed to this Bill and neither are the Illinois Home Builders. So what does that tell you about that issue? That issue is not real. If it were real, they would be in opposition. They are not. They are not. This is a very reasonable, balanced approach, very limited

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application, but it's a good step and hopefully, we'll make it better in the Senate. But I would appreciate your support. It's a very important issue."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 96 voting 'yes' and 22 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, introduction of Bills and Resolutions."

Clerk Rossi: "Introduction of Resolutions. House Resolution 636, offered by Representative Reitz; House Resolution 645, offered by Representative Smith; House Resolution 643, offered by Representative Woolard; and House Joint Resolution (sic-HJR) 51, offered by Representative Slone are assigned to the Rules Committee. 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 Hannig: "Representative Cowlshaw are you ready on 3288? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3288, a Bill for an Act concerning interscholastic organizations. Third Reading of this House Bill."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen..."

Speaker Brunsvold: "Representative Brunsvold in the Chair."

Cowlshaw: "...of the House. Pardon me?"

Speaker Brunsvold: "Representative Cowlshaw."

Cowlshaw: "Oh. Thank you. Changing of the guard. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill

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3288 was amended this afternoon to make it a shell Bill. I would appreciate support for this to go to the Senate so that the negotiations that are ongoing with the Illinois High School Association can continue. Representative Woolard and I met this very afternoon with the Executive Director of the IHSA. We have made some arrangements with him that include that we would move this Bill to the Senate as a shell Bill and that we would have it available, should we need it, with the whole, possible expectation that it would never be needed because what we believe needs to be done the IHSA may be able to achieve without our having to be encouraging. So on that basis, I think I would be joined by Representative Woolard in asking that you please support this shell Bill to go to the Senate. Thank you."

Speaker Brunsvold: "The Lady's asked for the passage. Is there any discussion? The Gentleman from Williamson, Mr. Woolard who stands in support."

Woolard: "Thank you, Mr. Speaker. I just would like to join Representative Cowlshaw. I think that this is an important issue that we're in the process of coming to resolution on. We have every reason to believe that this Bill will not be necessary, but we need to posture it in a position that if needed we'll have it available. We would encourage you to give us the authority to move the shell Bill to the House or to the Senate."

Speaker Brunsvold: "Further discussion? The Gentleman from DeKalb, Mr. Wirsing."

Wirsing: "I've just got a question. I just have a... Representative, what is the intent of... What are the discussions going on about? I'm not clear, Representative Cowlshaw, what this is about."

Cowlshaw: "The IHSA which is... do you know what the IHSA is?"

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Representative Wirsing? Do you know what the IHSA is?"

Wirsing: "Yes. It's been stated by two Sponsors that there's discussion going on."

Cowlshaw: "Well, I just want to make sure we all learn the same. The IHSA makes the rules and is an independent and private organization. It does not consist of any Legislators or you know, anybody who's elected. It just is a private organization. It proposes rules, mostly having to do with athletic competitions, for public high schools although some of its member high schools are also nonpublic high schools and it also has begun, more recently, to make certain kinds of rules about the participation in other kinds of activities like the debate team or the orchestra or something like that. The IHSA proposed a rule which it adopted in late 1999 which would not go into effect until July 1 of the year 2000 which would have prohibited any public high school anywhere in Illinois from admitting to any extra curricular activities. Those students who do not attend that school, who are not full-time students in that high school, which would mean that all nonpublic school students from parochial schools to Lutheran schools to private high schools that have some kind of special academic focus and of course, home schoolers would all be excluded ever again from taking any part in any activity in a public high school. For nearly 20 years, the IHSA has had a policy that says, the local school board decides whether it wants to open up any of those programs to nonpublic school students and as the elected local governing body, it has the right to make any decision it chooses. This would prohibit local school boards from ever making that choice again. It would impose, by a nonelected group, a standard all over this state that would limit the

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opportunities of young people rather than expanding those opportunities. We believe that should continue to be a matter of local control and it appears that the IHSA lawyers have raised several questions with the IHSA about several matters in regard to this proposed rule and has suggested that possibly the better part of valor would be to have it repealed before it ever went into effect. That's kind of..."

Wirsing: "Okay."

Cowlshaw: "...broad brush..."

Wirsing: "Yeah. Thank you, Representative. That helps me understand what's goin' on here. Thank you very much."

Cowlshaw: "Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Monique Davis. Are you a proponent or opponent?"

Davis, M.: "Would you ask Representative Skinner to go to his desk?"

Speaker Brunsvold: "Okay. Proponent or opponent, Representative?"

Davis, M.: "Opponent."

Speaker Brunsvold: "Opponent. Proceed."

Davis, M.: "Representative, I understand that your Bill is a shell Bill. Is that correct?"

Cowlshaw: "Yes, Ma'am."

Davis, M.: "Okay. Why is it a shell Bill?"

Cowlshaw: "Because we have not reached a final agreement with the IHSA and until we do, we can't really put any content in it that we can bring to you as a final proposal."

Davis, M.: "Are you working on this for tomorrow?"

Cowlshaw: "Oh, my, no. If we were working on it for tomorrow, we wouldn't need to have needed to make it a shell Bill."

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Davis, M.: "When did you plan to have the substance put into this Bill?"

Cowlshaw: "I don't have any exact date, Representative, but I would hope it would be within the next two to three weeks. Whatever is the deadline over in the Senate for getting Bills out of committee. I would hope that we could beat that deadline so we would have content in this, if we still need a Bill at all, that we would have content in it so that we could meet the committee deadlines in the Senate."

Davis, M.: "Will it come back to the House?"

Cowlshaw: "Oh, absolutely. In order for this to ever reach the Governor's desk because in order for it to have any content at all that would have to be adopted in the Senate it would then be different. So it would have to come back to the House for concurrence and we would then vote on a Bill that actually had a meaning."

Davis, M.: "Well, if this Bill is passed, in my opinion, it'll go over to the Senate and they'll put some language in it, but there's absolutely nothin' that will bring it back to the House."

Cowlshaw: "I'm really sorry. I really could not hear what your question was."

Speaker Brunsvold: "Please repeat your question."

Davis, M.: "Well, my understanding is... Okay, my question is, if we pass this Bill, 3288, which is a shell Bill, and it goes to the Senate and sometimes after Third Reading deadline in the House, the Senate puts some language in that Bill and it returns... Will it return or does it have to come back to us or will it go to the Governor?"

Cowlshaw: "Representative, under any and all circumstances, if this Bill leaves this chamber today as a shell Bill, absolutely any content whatsoever that is put in it in the

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Senate at any time from now on for the whole rest of this entire spring Session, the Bill has to come back to this chamber for concurrence or it cannot go to the Governor."

Davis, M.: "Well, I know the intent of the Bill is to give home schoolers... Would those people who are listed as opponents, for example, Illinois Federation of Teachers, Illinois Education Association, Ed-Red, Chicago Public Schools and the list goes on and on, would those groups still be opposed to this Bill?"

Cowlshaw: "If those groups, or anyone thereof, is still opposed to this Bill and to the contents that might be put into it in the Senate then it will never come back here and it will die. It is meant that should there be a content added in the Senate it would be something to which all opposition had been removed."

Davis, M.: "Well, I'm not sure that any of these groups would ever agree to support legislation that will allow those who are home schooled to belong to a chess club or belong to the glee club or belong to the little girls who shake those little... what do they call 'em... you know... pon pom girls because... or chess clubs because any time during the day the leader could say we're gonna have practice or we're gonna meet at 3:00 and those children who are home schooled will not be there to realize that practice will take place. Plus, usually, when children are participants in these interscholastic activities, it's with the spirit of that particular school. That's why they belong to those schools and those organizations because they want to be a part and participate in what that particular school has to offer. Therefore, Tom Johnson and I say, we should vote 'no' on this Bill."

Speaker Brunsvold: "Representative Davis, an Amendment onto a

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House Bill coming back to the House from the Senate will probably with substance language have to go to the Education Committee, in this case, before it is even considered by the full House. The question is, 'Shall House Bill 3288 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? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 91 voting 'yes', 12 voting 'no', 14 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Hannig: "Representative Hannig in the Chair. Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on March 2, 2000, reported the same back with the following recommendations: 'to the floor for consideration' Floor Amendment #2 to House Bill 3681, Floor Amendment #2 to House Bill 3852, Floor Amendment #3 to House Bill 3935 and Floor Amendment #3 to House Bill 4396."

Speaker Madigan: "Mr. Arthur Turner. House Bill 3229. Speaker Madigan in the Chair. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3229, a Bill for an Act amending the Illinois Library System Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and welcome back. Ladies and Gentlemen, I present to you House Bill 3229. And this shouldn't take very long because this is a Bill that does a couple of things. One, it increases the amount of money that our local libraries will receive. The equalization

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formula for the library grants, in this state, has not been changed over the last two decades and what we're doing with this particular Bill is we're changing the level of the grant, the level of threshold, from 425 per capita to a level of 750 per capita. And as a result, all of our libraries throughout the state will receive additional funding. There's only one library in the state that will not increase the amount of money that they receive and that's Representative Granberg's library district and it'll only lose \$140. Also, the school grant will increase in the per capita amounts that will be distributed to them. And basically, there are a total of 37 communities, right now, that are affected by this legislation. The new legislation would incorporate 104 communities. And this proposal is brought to us by the Secretary of State, Jesse White. And I move for the favorable adoption of House Bill 3229."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Giglio. House Bill 260. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 260, a Bill for an Act amending the Toll Highway Act. Third Reading of this House Bill."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 260 would eliminate the Halsted Street Exit off the Tri-State Toll Plaza and I would ask for your

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favorable support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Parke. Mr. Parke, do you stand in... Mr. Parke yields to Mr. John Turner. Mr. Turner, do you stand in support or in response?"

Turner, J.: "I think I'm opposed, Mr. Speaker."

Speaker Madigan: "All right. Mr. Turner shall be recognized for five minutes in response. Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. Representative, I was reading something. I apologize. It's my fault. I didn't hear your explanation. Could you start all over."

Giglio: "I'm sorry, Representative. What was your question?"

Turner, J.: "Must be contagious. I didn't hear your explanation. I apologize to you 'cause I was reading something and did not hear your explanation. I'm wondering if you would start all over."

Giglio: "Certainly. What House Bill would do it would the eliminate the toll plaza at the Halsted Street Exit off of the Tri-State Tollway in my district."

Turner, J.: "All right. And why do you want to do that?"

Giglio: "It's my contention that, one, it's being well overcharged as to what it should be. It's a 15¢ toll and the way the toll authority figures it is it's approximately 3¢ a mile. That's how they figure the assessment on the toll roads. There's less than a mile and a half of road and you're being charged 15¢. That's number one. Number two, there's an economic loss to the area, a tremendous economic loss from that 15¢ toll. And most importantly, number three, inside the district and within a half a mile of that exit is the world's largest limestone quarry, the Thornton Quarry. And the trucks that roll in and out of there in excess, in excess of 500 trucks a day and that's

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through Monday through Saturday. And these trucks do everything to avoid that exorbitant 15¢ toll and I say exorbitant because it's more than three times what it ought to be for that stretch of road and they avoid that toll and the local people are paying because of it. And the state kicks in more than its fair share on the state roads to and from because of it. And for that reason, and we've done it before, we've had other plazas taken down. For all those reasons, I think that plaza should be eliminated."

Turner, J.: "So how much revenue will be involved as far as not coming into the authority that would have otherwise?"

Giglio: "I don't have the numbers verified. I'm taking these from the toll authority. I'm assuming them to be correct. But they say approximately a million dollars in gross revenues and approximately half of that is in cost and approximately half of that is net profit. I don't know if the other plazas work that way or..."

Turner, J.: "When there's a loss of revenue, I think simple economics would indicate it has to be made up in some way. How will the revenue be made up then?"

Giglio: "I don't know that all of the revenue would get made up. I'm sure that there would be some encouragement to use the rest of the Tri-State system for not having to pay that toll at that exit."

Turner, J.: "All right. Is there a fiscal note on this?"

Giglio: "There was a note filed and then, I believe, that note was removed."

Turner, J.: "Well, could we check with the Clerk on that?"

Speaker Madigan: "Mr. Clerk is there any fiscal note filed on this Bill?"

Clerk Bolin: "A fiscal note has been filed on the Bill, as amended by House Amendment 1."

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Turner, J.: "Thank you, Mr. Speaker and Mr. Clerk. Okay, Mr. Speaker. I think that's all the questions I have. Thank you, Representative."

Speaker Madigan: "Representative Hamos, do you stand in support or in response?"

Hamos: "In support or response?"

Speaker Madigan: "You have a choice. You're rising in support of the Bill."

Hamos: "I'm in response."

Speaker Madigan: "Fine. You get five minutes."

Hamos: "I don't think I need that long, Mr. Speaker. So Representative Giglio, we've already established that there's going to be a net loss of what, about \$700 thousand to the state. So which programs do you intend to cut, exactly, that will be funded by this, you know, that are going to lose this \$700,000?"

Giglio: "All the money that we're gonna save from the Bill that passed out of here yesterday that, I think, that it will be..."

Hamos: "So are you going to be passing this cost along to other people who use the tollway?"

Giglio: "Absolutely not, Representative."

Hamos: "Well, there's still a cost to maintain that stretch of road, is there not?"

Giglio: "Absolutely. That stretch is already being taxed at the 163rd Street Plaza which is within, I would guess, I can't verify this, but I would guess, it's about a mile and a half."

Hamos: "So you mentioned that there was some kind of quarry being served?"

Giglio: "Pardon. I didn't hear your question."

Hamos: "There was some kind of quarry that's served."

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Giglio: "Yes, that's the Thornton Quarry."

Hamos: "And do they do any Illinois First business by any chance?"

Giglio: "I would assume that some of the stone mined from the quarry in Thornton would go towards the Illinois First program and you know, as a matter of fact..."

Hamos: "I don't know. Why can you assume? Have you checked with this quarry, exactly, about whether they will, in fact, do Illinois First business? Have you talked to anybody before you wrote this Bill and introduced it?"

Giglio: "No, I have not checked with them, Representative."

Hamos: "And are there going to be any contractors implicated by the Illinois First business that's going to be conducted by this quarry?"

Giglio: "No, I think this is my last Bill."

Hamos: "Have you checked to see if there would be any contractors? How many people have you talked to, exactly, about that?"

Giglio: "I've talked with many constituents who locally... For instance, we've got the village in Ford Heights that's in very close proximity to this exit and it's an unfair tax for that stretch of road."

Hamos: "And have you talked to any of the toll takers who are going to lose their jobs over this Bill?"

Giglio: "The majority of the traffic..."

Hamos: "Exactly how many are there of such toll takers?"

Giglio: "I believe, there's between six and ten."

Hamos: "I think, Representative Giglio, didn't you want to pull this Bill until you get this information in hand?"

Giglio: "No, I'd like to roll with it in its current form."

Hamos: "Okay. So have you talked to all the people who pay the tolls to see if they really support this Bill?"

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Giglio: "Absolutely and they are in support of it."

Hamos: "How do you know that none of them are opposed to it, exactly?"

Giglio: "I stood out there for two weeks and checked every car and they're all in favor of it."

Hamos: "You did. And what dates were those, exactly, that you stood out there?"

Giglio: "When did I stand out there? Is that what..."

Hamos: "Yes. Exactly what were those dates?"

Giglio: "They were... it was last summer, June 1st through the 15th."

Hamos: "Oh. Well, that's very good. Well, you know, I have to stand in opposition to this Bill because it is very obvious that the Sponsor has not done his homework, has not checked with anybody, has not given us the adequate information about how we would make up the \$700,000 in revenue lost to the State of Illinois, has not really reassured us that the cost would not be passed on to other people on the tollway and there's just a lot of questions involved with this Bill that have not been answered. This Bill is not ready and I really suggest that he pull it, right now, so he can get answers to these questions."

Speaker Madigan: "Mr. Skinner. Do you stand in support or in response?"

Skinner: "Well, of course, in support. It's his last Bill."

Speaker Madigan: "All right. Mr. Skinner, in support. Five minutes."

Skinner: "I support this Bill."

Speaker Madigan: "Mr. Giglio, to close."

Giglio: "Thank you, Members of the House. And Representative Hamos I appreciate your remarks. This is, in fact, a very serious issue. The toll that is being charged is

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excessive. It's more than three times their average rate. The amount of traffic that is endured on the local roads because of the quarry being right there off of that exit is tremendous. And we pay more than three times in local taxes and state taxes because those state roads are taking the abuse that the toll road should be taking. And I would ask for your favorable support. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Three people have not voted. Mr. Clerk, take the record. On this question, there are 61 'ayes', 55 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 3852? Mr. Steve Davis."

Clerk Rossi: "House Bill 3852 is on the Order of House Bills-Second Reading. Amendment #1 has been adopted to the Bill. No Motions have been filed. Floor Amendment #2, offered by Representative Steve Davis, has been approved for consideration."

Speaker Madigan: "Mr. Steve Davis. ...your pants on. Mr. Davis on the Amendment."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. Yes, I have my pants on. Floor Amendment 2 becomes the Bill and it addresses a problem of collection of delinquent sewer fees by sewer systems owners and operators. Currently, under State Law, liens may be created for delinquent charges and this Bill will allow the liens to be certified annually to the property tax assessing office which shall enter the delinquent charges upon the next tax rolls against the premises. And I'd be

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happy to answer any questions upon the Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of House Bill 992?"

Clerk Bolin: "House Bill 992 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Mr. Clerk, take that Bill out of the record. Mr. Clerk, what is the status of House Bill 4396?"

Clerk Bolin: "House Bill 4396, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, offered by Representative Bellock, has been approved for consideration."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. We've had a lot of negotiation on this Bill and this is a serious Bill that deals with people in homes for developmentally disabled and mentally ill of people that are accused of abuse and substantiated abuse that they would be added to the nurses aides registry. And from then on, not to be rehired in any type of facility that would deal with the developmentally disabled or mentally ill that was state funded. The first and second Amendment have been approved, but we have asked to send this over to the Senate in the form of a shell Bill. We are still working in negotiations with AFSCME who was opposed to some of the language that was still in the Bill. I'd be glad to answer any questions."

Speaker Madigan: "The Lady moves for the adoption of the

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Amendment. The Chair recognizes Mr. Lang. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I applaud Representative Bellock for doing this. Normally, we wouldn't want a shell Bill to go over there, but, in fact, she's trying to be very responsive to the needs of the original proponents and to AFSCME who have come to her with some serious problems that they see in the original drafting of the Bill. So I think, we should support the Lady's Motion, adopt the Amendment and send it to the Senate so they can continue working on this."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of House Bill 3935? 3935."

Clerk Bolin: "House Bill 3935, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Flowers, has been approved for consideration."

Speaker Madigan: "Representative Flowers on the Amendment."

Flowers: "Mr. Speaker, withdraw Amendment #2, please."

Speaker Madigan: "Mr. Clerk, what is the status of Amendment #2?"

Clerk Bolin: "Floor Amendment #2 has been withdrawn. Floor Amendment #3, offered by Representative Flowers, has been approved for consideration."

Speaker Madigan: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 would have... One minute, Mr. Speaker. Mr. Speaker, Amendment #3 does three things. It adds the citizen's review panel which was in the original Amendment."

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And it also qualifies the language for termination under M-1 in that Section. And it would give the authority to the judge to make decisions. And I'll be more than happy to answer any questions you may have in regards to this Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. I don't know whether to rise in support or opposition to Amendment #3. We don't have it. It is not on our system. Our staff received a hard copy of the Amendment less than five minutes ago. It's still down in Room 220. Perhaps, we can wait until at least staff had an opportunity to read the Amendment."

Speaker Madigan: "Mr. Clerk, take this Bill out of the record. Mr. Black. Are you prepared on House Bill 3254? It would be an Amendment. 3254. Amendment #2."

Black: "We've already done that, Mr. Speaker."

Speaker Madigan: "Mr. Black, I'm advised by the Clerk that the Bill is already on Third Reading. Representative O'Brien. For what purpose does Mr. Woolard seek recognition?"

Woolard: "Mr. Speaker, I'd like to request the Body to waive the posting requirements on House Resolution (sic-HJR) 51, House Resolution 636, House Resolution 643 and House Resolution 645."

Speaker Madigan: "You've all heard the Gentleman's Motion. Is there leave to suspend the posting requirements? Leave is granted. Back to Representative O'Brien. House Bill 3049. Do you wish to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3049, a Bill for an Act concerning higher education. Third Reading of this House Bill."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3049 would create a program for public

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universities in this state which would require them to notify incoming students, freshmen and transfer students, at least once a year regarding the meningitis disease, its transmission, the number of reported cases that university has had in the previous academic year. It would also require that they offer the vaccine, subject to its availability by the manufacturer, to students who wish to be vaccinated. And I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'yes'; all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Three people have not voted. Mr. Clerk, take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Gash. House Bill 3899. Mr. Clerk, read the Bill. 3899."

Clerk Rossi: "House Bill 3899, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Madigan: "Representative Gash."

Gash: "Thank you, Mr. Speaker. House Bill 3899 amends the Criminal Code and creates the offense of cyber stalking. Provides that it is unlawful to knowingly and without legal justification on at least two separate occasions, harass another person through the use of electronic communication and transmit a threat of immediate or future bodily harm sexual assault, confinement or restraint to the person or the person's family member or place a person or the person's family member in reasonable apprehension of immediate or future bodily harm, sexual assault,

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confinement or restraint. It provides that the penalty for a first offense is a Class IV felony and a second or subsequent offense is a Class III felony. It has an immediate effective date to the Bill. And this will address gaps in our existing law to reflect our changing technologies. This Bill came out of committee 13-0. It has about 30 very bipartisan cosponsors. And I know of no opposition."

Speaker Madigan: "Mr. Black, do you rise in response?"

Black: "Mr. Speaker, I'm not sure whether I'm in support or opposition. I need to ask a question or two. But I do have an inquiry of the Chair. If the Clerk could check, we're limited to three House Bills, is that not correct?"

Speaker Madigan: "Yes."

Black: "She's presented some Bill on frogs and animals four or five times a day. How many Bills is she carrying? Oh, is that all one Bill?"

Speaker Madigan: "I'm told those are all on Second Reading."

Black: "Oh. Okay. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I'm not and admittedly so, I'm not a computer... I'm not very computer literate. So could you define, what is this, oh, cyber stalking. What exactly will the offense of cyber stalking be? What do I have to do to be charged with that?"

Gash: "Well, Representative, if you had been listening, that is what I just said. But basically, what this does is..."

Black: "I just want a real concise answer now, Representative. It's late at night. Please, don't give me the history of cyber robotics would you."

Gash: "Basic, for your purposes..."

Black: "Tell me what cyber stalking is."

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Gash: "Harassing a person through electronic means and putting that person in... frightening that person, scaring that person, putting that person in reasonable apprehension that they will be harmed."

Black: "I thought we already had that. I mean, we already had that. If I call somebody on the telephone and harass them, isn't that already against the law?"

Gash: "Stalking is against the law, but the law, the way it's written right now, does not cover electronic communications. There have been a couple of would be cases that come out of DuPage and the Northwest suburbs, as far as we know, where they would have been cases, but they couldn't be prosecuted because they didn't fall under the purview of anything that was existing law. This covers that gap in the law. This is an initiative out of the Cook County State's Attorneys Office. And thank you for being a cosponsor on the Bill, as well."

Black: "Well, I may change my mind. How would the Cook County State's Attorney or any state's attorney, for that matter, be able to identify a cyber stalker when, as I understand from staff and again, excuse me, I'm not very computer literate, you can sign up for an Internet in some kind of nom de plume hidden account or you know, who knows what your name would be on the Internet. How would you prove who actually committed the offense?"

Gash: "There are situations where it would be difficult to prove, but there are other situations where it's not at all where it's very public who they are and in those situations, they should be prosecuted. It should be prosecutable."

Black: "If I, you know, there are lots of people who send e-mail here on the House Floor."

Gash: "That's true."

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Black: "I don't. I don't know how. My secretary comes down once a week and clears a hundred e-mail messages in my computer. Some of them aren't very complimentary. Could that be construed as cyber stalking?"

Gash: "If it put you in a situation where there was a threat of immediate or future bodily harm, sexual assault, confinement or restraint to you or your family member."

Black: "A second offense. The first offense is free?"

Gash: "This is a stalking offense."

Black: "A stalking. Well, you came over earlier and threatened me with bodily harm about your frog Bill. But because you did it in person, I can't get you for cyber stalking, right?"

Gash: "That's not this Bill. That refers to another Bill."

Black: "Okay."

Gash: "Of course we're kidding, you, know, I certainly didn't."

Black: "Well, in your opinion and that of the State's Attorney of Cook County, is this, in fact, an offense that could be won in a court of law? I mean, has there... well, I suppose there's been no record, evidently, because it isn't an offense presently?"

Gash: "I'm sorry. Can you repeat that?"

Black: "Is there an offense presently if, I guess, you were harassing over the Internet now, there is no remedy?"

Gash: "It is believed that there is not a real good way to do that. In fact, the Attorney General, Janet Reno, recently asked the states to address this issue. You are right. It is very difficult to do that, almost impossible."

Black: "Well, okay. I'm glad you mentioned that because that brings up a case that staff had mentioned. Can the State of Illinois prosecute someone sending someone unwelcome and harassing messages from outside the state? Will we have

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jurisdiction on that?"

Gash: "Right now, intrastate is addressed at the federal level. This will address interstate."

Black: "Now, you've confused me. How can we regulate interstate cyber stalking? I know we can... I'm confident we can regulate... "

Gash: "No, interstate means within the state. Interstate means within the state."

Black: "No."

Gash: "Intrastate is addressed at the federal level."

Black: "I turned to staff. I thought intrastate was what we could regulate. Interstate would be the Federal Government, correct?"

Gash: "Yes."

Black: "Okay. I'm going to stop here before I become anymore confused. Thank you very much."

Speaker Madigan: "Representative Gash moves for the passage of the Bill. 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? Mr. Clerk, take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Black, are you prepared on House Bill 3935? Mr. Clerk, what is the status of House Bill 3935?"

Clerk Rossi: "House Bill 3935 is on the Order of House Bills-Second Reading and has been read a second time, previously. Amendment #1 was adopted in committee. Amendment #2 has been withdrawn. Floor Amendment #3, offered by Representative Flowers, has been approved for consideration."

Speaker Madigan: "Representative Flowers on the Amendment."

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Flowers: "Thank you, Mr. Speaker. Once again, Amendment #3 creates a citizen's review panel and it puts forth criteria for the panel. It requires notification to parents for the decision by the panel. It also empowers the court to make specific placements. And it reinstates language for M-1 for the time limitation."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Mr. Fritchey, do you stand in response?"

Fritchey: "Neither, Speaker. With respect to the committee schedule, I'd just like to inform everybody that I've been informed by staff, the Tobacco Settlement Committee, which is posted for 9:00, has been cancelled."

Speaker Madigan: "Representative Flowers has moved for the adoption of the Amendment. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, Amendment #3 becomes the Bill?"

Flowers: "Yes."

Black: "It's my understanding that Amendment #3 does not remove the opposition of the department, correct?"

Flowers: "You're right. Yes."

Black: "The Cook County... I'm sorry. I can't read the notes. Is there a Cook County Judicial Board?"

Flowers: "Yes."

Black: "And they still oppose, even with Amendment #3?"

Flowers: "That language has been eliminated."

Black: "Oh, they haven't been eliminated. It's the language they were opposed to, correct?"

Flowers: "Right."

Black: "All right. You had me worried there for a minute. The Foster Parents Association, do you know where they are as a result of the Amendment?"

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Flowers: "Their opposition was based on the original Bill and the original Bill no longer exists."

Black: "Okay. Representative, you know me. I mean, there's no delicate way to ask you this so I'm just gonna ask you the question and I don't mean it in any fashion other than the fact it's been brought to my attention, that some people interpret this as an attempt to say that a judge could not place an African-American child with a white family or a white child with an African-American family. Is that just a stalking horse or a falsehood?"

Flowers: "Representative, that is a falsehood. This Bill, here, deals specifically with services to children."

Black: "Okay. Your word has always been good with me, but I think, some people have been given some information that was in that vein and I just wanted you to get it on the record that that, in fact, was not the case. And it is not in this Amendment?"

Flowers: "That is not the case. No, it's not the case."

Black: "Fine. Thank you very much."

Flowers: "Thank you, Sir."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments. Several notes have been requested on the Bill that have not filed."

Speaker Madigan: "Representative, several requests for notes have been filed so the Bill shall remain on Order of Second Reading. Mr. Clerk, what is the status of House Bill 3681?"

Clerk Rossi: "House Bill 3681 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

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offered by Representative Shirley Jones, has been approved for consideration."

Speaker Madigan: "The Amendment shall be offered by Mr. Arthur Turner. Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #1 is an Amendment that was a compromised Amendment that was worked out between the department and those interested mental health facilities throughout the state. In essence, what it does is, there was a law that was passed last year that dealt with people who dispense medicine in mental health facilities that are 16 beds or smaller. And what this does is that those people, prior to the effective date of this legislation, those people who were working in these facilities if they didn't have a high school diploma or GED, they would not be able to administer medicine. This is under the guidance of a nurse or a doctor in that particular facility. This particular Amendment would grandfather in those individuals who currently have one year experience working in those facilities if they, in fact, do not have a high school diploma or a GED. And I move for the favorable adoption of Amendment #1."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Staff informs me that there's an understanding that Floor Amendment #1 was, in fact, not to be presented and Floor Amendment #2 was. Mr. Speaker. It might help, our staff says that Floor Amendment #1 was added in committee and that we were to move on Floor Amendment #2."

Speaker Madigan: "Mr. Clerk, what is the status of Amendment #1?"

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The Clerk advises that Amendment #1 has been recommended for adoption."

Black: "Okay."

Speaker Madigan: "Mr. Turner on Amendment #1. Mr. Turner on Amendment #1."

Turner, A.: "Mr. Speaker, it's my understanding that Amendment #1 was adopted in committee. And it's Amendment..."

Speaker Madigan: "The Clerk advises that our records indicate that the Amendment was recommended by the committee."

Turner, A.: "Okay."

Speaker Madigan: "Not adopted, but recommended."

Turner, A.: "Right. All right. I move for the adoption of Amendment #1."

Speaker Madigan: "All right. So our status is that Mr. Turner has moved for the adoption of Amendment #1. Mr. Black."

Black: "Mr. Speaker, obviously, there's been some confusion here. I stand in opposition to Floor Amendment #1. It's my understanding this is not the Amendment that the Sponsor wants."

Turner, A.: "Mr. Black."

Black: "That Floor Amendment #2 becomes the Bill."

Turner, A.: "We will be following with Amendment #2."

Speaker Madigan: "Mr. Turner."

Turner, A.: "Yes. Representative Black, Amendment #2 is following and that is the Amendment that is the Agreed Amendment between the department and those interested parties. So we..."

Black: "Well, all right. Then wouldn't it be in order to withdraw Amendment #1 since #2 becomes the Bill?"

Turner, A.: "Let's withdraw Amendment #1."

Black: "All right."

Speaker Madigan: "Mr. Turner withdraws Amendment #1 and Mr."

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Clerk."

Clerk Rossi: "Floor Amendment #2, offered Representative Lou Jones..."

Turner, A.: "That's incorrect, also. That's offered by Representative Shirley Jones. Amendment #2."

Speaker Madigan: "But Mr. Turner, you'll present the Amendment, Amendment #2? Mr. Turner?"

Turner, A.: "Okay. Amendment #2. I thought I described Amendment #2. We'll try again. Amendment #2, what it does is, it allows nonlicensed personnel, it says that they will be required to have a high school diploma or an equivalent GED to administer medication after this Bill becomes effective. However, this Bill will allow those individuals who have been working for at least one year as a nonlicensed direct care staff person, prior to the effective date of this Act, to be grandfathered in without needing to meet the requirements of having a GED or all other criteria, as long as all other criteria has been met. And I move for the favorable adoption of Amendment #2."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Now, Representative, it's my understanding and I don't think we need to waste time debating the Amendment, we'll do that on Third Reading. It's my understanding that Floor Amendment #2 does not shell this Bill. It's a substantive Amendment, correct?"

Turner, A.: "That's correct."

Black: "All right. It's further... it's my understanding that this Amendment is not agreed to by the parties particularly between the Sponsor of the Amendment and the Department of

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Human Services. That there is no agreement purported to be reached between the parties on Floor Amendment #2, correct?"

Turner, A.: "We're both learning, Representative. That's correct."

Black: "All right. Fine. Now, given that information, then we will proceed with debating the Bill on Third Reading and I appreciate your indulgence. Thank you."

Turner, A.: "Mr. Speaker, can we..."

Speaker Madigan: "Mr. Turner moves for the adoption of the Amendment. Mr. Black, have you spoken on this question?"

Black: "I'm sorry, Mr. Speaker."

Speaker Madigan: "Have you spoken on the question of his..."

Black: "Yes. We agreed that this Amendment is a substantive Amendment, does not shell the Bill and that there is no agreement between the department and the proposer of the Amendment. And I simply told Representative Turner we would debate the Bill on Third Reading."

Speaker Madigan: "Okay. Fine. Those in favor of the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments. A fiscal note has been requested on the Bill, as amended, by Amendment #2 and that note has not been filed."

Speaker Madigan: "So the Bill shall remain on the Order of Second Reading. Mr. Clerk, what is the status of House Bill 298?"

Clerk Rossi: "House Bill 298 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Feigenholtz, has been approved for consideration."

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Speaker Madigan: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. House Amendment #3 is further clarification that addresses many issues that were brought up by some of the proponents of the Bill who have been working with the coalition who is supporting this effort and I would be glad to answer any questions."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Representative, do you want to tell us what this Amendment does?"

Feigenholtz: "Certainly, Representative. This is an Amendment that has been debated and talked about for quite some time regarding Illinois law having to do with access to sterile syringes. What it does is it cleans up language from the original Bill, it raises the age to 18 and over, it clarifies a rules of a pharmacy and where syringes are to be sold from, making sure that they're being sold from behind the counter as to opposed to on the shelf. And Section 2.5 involves the Department of Public Health who will promulgate rules and work with the Departments of Public Health by region."

Davis, M.: "So, Representative Feigenholtz, does your Bill still contain language that states that a person can get ten needles at an exchange counter or something?"

Feigenholtz: "No. Actually, this is a free market Bill, Representative Davis. This Bill allows... Illinois is one of eight states in the country, only eight that requires somebody to have a prescription for syringes and basically, what this does is remove that need."

Davis, M.: "So does your Amendment 3 become the Bill?"

Feigenholtz: "It does."

Davis, M.: "So this is not the Bill that will allow a person to

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just go and exchange..."

Feigenholtz: "No."

Davis, M.: "...a needle for ten needles?"

Feigenholtz: "No."

Davis, M.: "You took all that out?"

Feigenholtz: "Right."

Davis, M.: "Thank you very much, Representative."

Feigenholtz: "Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk, what is the status of House Bill 3254?"

Clerk Rossi: "House Bill 3254 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Read the Bill."

Clerk Rossi: "House Bill 3254, a Bill for an Act in relation to alternatives to dissection. Third Reading of this House Bill."

Speaker Madigan: "Representative Gash."

Gash: "Thank you, Mr. Speaker. This Bill, House Bill 3254, will provide... will allow students to opt out of dissection and instead do an alternative project. This Bill has been thoroughly debated, as Representative Black pointed out earlier today. This Bill has been discussed numerous times today, alone. And this Bill has probably 30 cosponsors, at this point, very bipartisan. And I would urge your 'aye' vote. And I would prefer no questions because we've done it so many times."

Speaker Madigan: "Mr. Black. Mr. Black."

Black: "Thank you very much, Mr. Speaker."

Gash: "Of course, I welcome his questions."

Black: "Representative, just one question, if I could and a

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succinct answer. Earlier, I thought you said this was a elementary Bill, K-8. Later, you said it was K-12, it was kindergarten through high school."

Gash: "This is K-12."

Black: "All right."

Gash: "This is elementary..."

Black: "Okay."

Gash: "...and secondary schools."

Black: "All right. Now, my question is, in some high schools today there are highly advanced biology, physiology classes. It's possible for a high school senior to take a university level course at either a community college or depending on where they live, maybe even an honors class at a university. Now, if a student is interested in pursuing a medical degree, obviously, dissection will be a part of that curricula."

Gash: "By the way, that's not necessarily true. There are several medical schools in Illinois, among the best medical schools, that do allow students to opt out of dissection."

Black: "Well, I didn't ask you that and that may will be, but if anybody's gonna operate on me, I want to make sure they know what they're doing. So if they have dissected and look they took the joint out of my finger a month ago. Now, the guy tells me it's gonna heal. I hope he practiced before he did my operation and not cut on some plastic frog. If a student wants to dissect a lab animal, I assume that they have the ability to do that, correct? You're not saying that no one can, you're saying some can opt out if they want to do so, correct?"

Gash: "I'm so glad you asked that. I want to clarify that this Bill does not prevent dissection, whatsoever."

Black: "Okay. And what kind of... is this a parental

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notification or request that they not participate or a student's request not to participate? How does that work?"

Gash: "This is the student's request not to participate. They still must perform an alternative project. Many times those projects are actually much more difficult than the dissections in many ways."

Black: "All right. So, in other words, if you and I are in an advanced biology class as high school seniors, you decide not to take the dissection, I do and you and I may be competing for a very difficult entry slot into a premed program at a premier university. Now, I've done the dissection, you've done an alternative. Are you satisfied that there is enough... that there is a way the instructor will be able to grade fairly? I don't want to be at a disadvantage, if you've been able to do a computerized program and I had to go through the entire dissection process, are we gonna be graded on an equal basis?"

Gash: "I would certainly hope so."

Black: "I would, too. Now, again, all right... Well, let's just forget that. Since it's K-12, i.e. public education, there is a cost for the class. Generally lab fees can be levied in a public school setting. Now, if you choose an alternative, i.e. a computerized program, et cetera and there is an extra cost, can we assess that cost to you? Or is it just to be paid for out of the General School Operating Budget? I don't know. How would that work?"

Gash: "I actually think that has been addressed, but I'm not sure of the answer and I think that's a great question and I will be happy to find that out."

Black: "I think that would be important if the Bill moves on and continues through the process. Obviously, I'm thinking, quite frankly regionally. Downstate, we may not have a

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computerized model that would be equivalent to the actual dissection of a laboratory animal."

Gash: "I should point out though to you that the humane society and other groups that feel very strongly about this Bill are happy to help provide those types of alternatives probably at no cost at all."

Black: "Well, and I think that's a... okay."

Gash: "In fact, this would be cheaper. By the way, there's no question that these alternatives to dissection are cheaper than dissection. Representative Black, since you were talking to a staff person, can I repeat that to you? There is no question that alternatives to dissection are actually cheaper."

Black: "Okay. You know, now this Bill was vetoed last year and it looks to me like you've passed pretty much the same Bill. Did you address the Governor's veto message?"

Gash: "This Bill was passed out of the House..."

Black: "I know."

Gash: "...with 116 votes and out of the Senate with 56 votes. And then it did go to the Governor and the Governor amendatorally vetoed. I'm not sure he understood what the... It's not my place to make a decision... And then we were going to go along with the Amendatory Veto, actually, but the Bill didn't come out, as you may remember, out of the Rules Committee in the Veto Session."

Black: "You realize that the Governor is a pharmacist. A highly trained..."

Gash: "I didn't realize that."

Black: "...medical paraprofessional."

Gash: "Actually, this Bill is weaker than the Bill that passed last year because last year it did include universities."

Black: "All right. Well, Representative, thank you. I

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appreciate your answers and I congratulate you. We were able to get through some questions and answers in about five and a half minutes. That is an outstanding accomplishment on both our parts. Thank you."

Gash: "And I congratulate you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor vote 'yes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 people voting 'yes', 14 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 4698? 4698."

Clerk Rossi: "House Bill 4698, has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Madigan: "Representative Hamos."

Hamos: "Mr. Speaker, Ladies and Gentlemen. I would like at this time to withdraw Floor Amendment #1. And for Members of Judiciary Committee, this means the Amendment from last night. We are withdrawing and the underlying Bill will be the Bill."

Speaker Madigan: "Mr. Clerk, are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Representative Hamos, do you want to call that Bill on Third Reading? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4698, a Bill for an Act concerning public and appellate defender immunity. Third Reading of this House Bill."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Bill that will reinstate what everybody thought was the law

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of the land, which was to give immunity to public defenders and appellate public defenders from malpractice lawsuits. And I guess I'm asking for your favorable vote."

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

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

Speaker Madigan: "Sponsor yields."

Durkin: "Representative, is this Bill in response to that decision from the Appellate Court about three months ago in which they held that a public defender is now personally liable for acts of malpractice or negligence, correct?"

Hamos: "Yes."

Durkin: "With this Bill are we giving them across the board immunity?"

Hamos: "We are giving them across the board immunity except for willful and wanton misconduct."

Durkin: "Okay. Well, I think this is a good idea for the same reason public defenders should not be held to... should be held to the same standard as state's attorneys who are exempt from personal liability. And I think it sets a very dangerous precedent if we're going to try to encourage good, young lawyers who work in county government, both as prosecutors and public defenders, they should not be held civilly liable for actions which are acts of negligence, willful and wanton, I can agree with. But I think this is a good Bill and I think we should all support it."

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? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby

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declared passed. Mr. Hoffman. For the purpose of an announcement."

Hoffman: "Yes. The House Transportation Committee... Members of the House Transportation Committee, the Transportation Committee was to meet at 9 p.m. tonight. It has been cancelled. The House Transportation Committee has been cancelled."

Speaker Madigan: "Mr. Clerk, read the committee schedule."

Clerk Rossi: "The following committees will meet immediately upon adjournment. The Agriculture and Conservation Committee in Room D-1. The Environment and Energy Committee in C-1. The Executive Committee in Room 118. The Judiciary I-Civil Law Committee in Room 122-B. The Judiciary II-Criminal Law Committee in Room 114. At 9 p.m. the following committees will meet: the Human Services Committee in Room C-1, the Elections and Campaign Reform Committee in Room 122-B."

Speaker Madigan: "The Chair is prepared to adjourn. We shall convene at 8:30 in the morning. If there's nothing further, Representative Currie moves that the House does stand adjourned until 8:30 a.m. tomorrow morning providing Perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. The House does stand adjourned until 8:30 a.m. tomorrow morning providing Perfunctory time for the Clerk."

Clerk Rossi: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 1477, offered by Representative Fowler, a Bill for an Act to amending the Shawneetown Regional Port District Act. First Reading of this Senate Bill. There being no further business, the House Perfunctory Session stands adjourned."