

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

21st Legislative Day

March 6, 2001

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Pastor Leroy Hicks of the Herod Springs Baptist Church in Harrisburg (sic-Herod). Pastor Hicks is the guest of Representative Fowler. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Hicks: "Let's pray together. Father, we come into Your presence this hour to thank You for the gift of this day knowing that the earth proclaims Your splendor, Your majesty and our hearts rejoice for every word that proceeds out of Your mouth. Lord, we know that You rule righteously over us and that You reign over all things and that You hold the earth in the palm of Your hand. You're worthy of all of our honor and praise and thank You for manifesting Yourself to those that love You. Thank You for the glory of Your name and for creating the heavens and the earth through Your power and wisdom. And as You shared Your wisdom with Solomon, to govern his nation, may You extend that same wisdom to these men and women as they make decisions that will affect our communities. Guide the servants that have made a choice to serve our state and when they have finished their course, may they hear the words from Your throne, 'Well done, thou good and faithful servant.' In Jesus name I pray. Amen."

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

Forby - 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

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Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Collins and Holbrook are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the records reflect that Representative Rutherford and Stephens will be recorded as absent today."

Speaker Madigan: "Let the record reflect those excused absences. Mr. Clerk, take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Clerk, what is the status of House Bill 575?"

Clerk Rossi: "House Bill 575, a Bill for an Act concerning motor vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Speaker Hartke: "On page 2 on the Calendar, on Second Reading, appears House Bill 1, Representative Hoffman. Out of the record. House Bill 41, Representative Meyer. Mr. Clerk, read the Bill. Mr. Myers (sic-Meyer), you have an Amendment in Rules. Do you want to run that Bill anyway? Out of the record. House Bill 46, Representative Burke. Dan Burke. Out of the record. House Bill 60, Representative Black. You have an Amendment in Rules. Out of the record. House Bill 80, Representative Lang. You have an Amendment in Rules. Out of the record. House Bill 84, Representative Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 84, a Bill for an Act in relation to support. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 101, Representative

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McKeon. Out of the record. House Bill 128, Representative Schoenberg. Out of the record. House Bill 131, Representative Schoenberg. Out of the record. House Bill 148, Representative Berns. Out of the record. House Bill 151, Representative Turner. John Turner. Out of the record. House Bill 156, Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 156 has been read a second time, previously. No Committee Amendments. No Floor Amendments."

Speaker Hartke: "Third Reading. The Chair recognizes Representative Connor. For what reason do you seek recognition? Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker, on a point of personal privilege."

Speaker Hartke: "State your point."

O'Connor: "Today is Museum Day in the State of Illinois. We have an ambassador representing all of the museums in the State of Illinois. That ambassador also represents Brookfield Zoo, which is in my district. Would you all please welcome B. Z. Bear. Thank you."

Speaker Hartke: "Welcome to the House chamber. On page 3 on Second Reading appears House Bill 158, Representative Dart. Out of the record. House Bill 176, Representative Hoffman. Out of the record. House Bill 190, Representative Hoeft. Out of the record. House Bill 200, Representative Winkel. Representative Winkel. Out of the record. House Bill 210, Representative Kerner. Kenner, excuse me. Representative Kenner. Out of the record. House Bill 219, Representative Stephens. Out of the record. House Bill 228, Representative Meyer. Out of the record. House Bill 233, Representative Klingler. ..., read the Bill."

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Clerk Rossi: "House Bill 233, a Bill for an Act amending the Illinois Pension Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 274, Representative O'Brien. Out of the record. House Bill 279, Representative Burke. Out of the record. House Bill 228, excuse me, House Bill 282, Representative Garrett. Representative Garrett, you have an Amendment in Rules. Out of the record. Representative Ryder (sic-Righter), House Bill 305. You have an Amendment in Rules. Out of the record. Representative Feigenholtz... Out of the record. House Bill 326, Representative Persico. Out of the record. House Bill 352, Representative Curry, Julie Curry. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 352, a Bill for an Act relating to schools. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 376, Representative Ryder. Tom Ryder. Out of the record. House Bill 382, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 382, a Bill for an Act amending certain Acts in relation to the disposition of certain fetuses. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 400, Representative Fritchey. You have an Amendment in Rules. Out of the record. House Bill 445, Representative Kosel. You also have an Amendment in Rules. Representative Kosel. Out of

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the record. Representative Feigenholtz, House Bill 446. You have an Amendment in Rules. Out of the record. Representative Acevedo... Out of the record. House Bill 453, Representative Lyons, Eileen Lyons. Out of the record. House Bill 479, Representative Younge. Out of the record. House Bill 504, Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 504, a Bill for an Act concerning housing affordability. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 506, Representative Dart. Out of the record. House Bill 511, Representative Turner, John Turner. Out of the record. House Bill 512, Representative Turner. Out of the record. House Bill 525, Representative Fowler. Jim Fowler, 525. Out of the record. House Bill 549, Representative Reitz. Dan Reitz. Out of the record. House Bill 582, Representative Lang. Out of the record. House Bill 591, Representative Lang. You have a couple Amendments in Rules. Out of the record. 593, Representative Lang. Out of the record. 596, out of the record. House Bill 623, Representative Curry, Julie Curry. Out of the record. House Bill 625, Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 625, a Bill for an Act in relation to bonds. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. 626, Representative Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 626, a Bill for an Act amending the Metropolitan Civic Center Support Act. Second Reading of this House Bill. No Committee Amendments. No Floor

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Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 646, Representative Lindner. Out of the record. House Bill 700, Representative Lawfer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 700, a Bill for an Act concerning wildlife. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 719, Representative Feigenholtz. Sara Feigenholtz. 719. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 719, a Bill for an Act in relation to children. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 776, Representative Cross. Thomas Cross. House Bill 776. Out of the record. House Bill 840, Representative Wirsing. Dave Wirsing. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 840, a Bill for an Act concerning higher education student assistance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 854, Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 854, a Bill for an Act concerning veterans' homes. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 863, Representative Osterman. Representative Osterman. Out of the record. House Bill 888, Representative Cross. Tom Cross, 888. Mr.

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Clerk, read the Bill."

Clerk Rossi: "House Bill 888, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 899, Representative O'Brien. Mary Kay O'Brien. Out of the record. House Bill 901, Representative Howard. Constance Howard. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 901, a Bill for an Act relating to higher education. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 909, Representative Hamos. Julie Hamos. Representative Hamos, 909. Out of the record. 911, Representative Hamos, House Bill 911. Representative Hamos. Out of the record. Representative Andrea Moore, 915. Out of the record. House Bill 923, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 923, a Bill for an Act in relation to hypodermic syringes and needles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 935, Representative Mulligan. Rosemary Mulligan. Out of the record. House Bill 942, Representative Moore, Andrea Moore. Out of the record. House Bill 982, Representative Osterman. Out of the record. House Bill 1025, Representative Feigenholtz, Sara Feigenholtz. 9... or excuse me, 1025. 1025. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1025, a Bill for an Act concerning

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schools. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 1026, Representative Delgado. Representative Delgado in the chamber? Out of the record. House Bill 1033, Representative Tenhouse. Out of the record. House Bill 1046, Representative Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1046, a Bill for an Act concerning computers. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1048, Representative Soto. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1048, a Bill for an Act concerning schools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1077, Representative Davis, Monique Davis. Out of the record. House Bill 1079, Representative Slone. Ricca Slone. 1079. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1079, a Bill for an Act concerning park districts. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 1095, Representative Soto. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1095, a Bill for an Act in relation to child support. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1099, Representative

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Monique Davis. Out of the record. House Bill 1685,
Representative Schmitz. Representative Schmitz. Mr.
Clerk, read the Bill."

Clerk Rossi: "House Bill 1685, a Bill for an Act amending the
Illinois Municipal Code. Second Reading of this House
Bill. No Committee Amendments. No Floor Amendments. No
Motions filed."

Speaker Hartke: "Third Reading. House Bill 1693, Representative
Hoffman. ..., read the Bill."

Clerk Rossi: "House Bill 1693, a Bill for an Act concerning the
Illinois Criminal Justice Information Authority. Second
Reading of this House Bill. Amendment #1 was adopted in
committee. No Motions have been filed. No Floor
Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 1697, Representative
Brunsvold. Out of the record. House Bill 1710,
Representative Reitz. Out of the record. House Bill 1713,
Representative Hoffman. ..., read the Bill. Out of the
record. House Bill 1722, Representative Davis, Monique
Davis. Out of the record. House Bill 1760, Representative
Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1760, a Bill for an Act amending the
Illinois Municipal Code. Second Reading of this House
Bill. No Committee Amendments. No Floor Amendments. No
Motions filed."

Speaker Hartke: "Third Reading. House Bill 1776, Representative
Rutherford. Out of the record. House Bill 1788,
Representative Franks. Jack Franks. Out of the record.
House Bill 1802, Representative Curry, Julie Curry. 1802.
Out of the record. House Bill 1819, Representative
O'Brien. Mary Kay O'Brien. Out of the record. House Bill
1822, Representative McAuliffe. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 1822, a Bill for an Act relating to higher education student assistance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1842, Representative Durkin. Out of the record. House Bill 1843, Representative Durkin. Out of the record. House Bill 1844. Out of the record. House Bill 1851, Representative Meyer, Rich Myers. 1851, excuse me. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1851, a Bill for an Act regarding higher education student assistance. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 1854, Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1854, a Bill for an Act concerning wildlife. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1870, Representative Durkin. 1870, Representative Durkin. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1870, a Bill for an Act concerning libraries. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1895, Representative Hoeft. Mr. Clerk... Out of the record. House Bill 1905, Representative Wirsing. Representative Wirsing. 1905. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1905, a Bill for an Act concerning

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higher education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1908, Representative Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1908, a Bill for an Act concerning schools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1926, Representative Reitz. Out of the record. House Bill 1935, Representative Collins. Out of the record. House Bill 1956, Representative Moffitt. Out of the record. House Bill 1978, Representative Moffitt. House Bill 1983, Representative Lindner. Representative Lindner. Out of the record. House Bill 1989, Representative Mautino. Frank Mautino. Out of the record. House Bill 1990, Representative Dart. Out of the record. House Bill 2006, Representative Black. ..., read the Bill."

Clerk Rossi: "House Bill 2006, a Bill for an Act concerning employment. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 2046, Representative Burke. Dan Burke. Out of the record. House Bill 2079, Representative Wait. Ron Wait. ... of the record. House Bill 2110, Representative Tenhouse. Out of the record. House Bill 2111, Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2111, a Bill for an Act concerning higher education student assistance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. House Bill 2143, Representative Klingler. 2143, Representative Klingler. Out of the record. Page 10 on the Calendar, on Third Reading appears House Bill 12, Representative Mathias. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 12, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 12 would amend the School Code to allow anyone who served in World War II and left high school during World War II to join the service and was honorably discharged to come back and get a high school diploma. And I would urge my colleagues to support House Bill 12."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 12?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Shhh. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 12, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 25, Representative Feigenholtz. Out of the record. House Bill 28, Representative Black. Out of the record. House Bill 36, Representative Poe. Out of the record. Representative Black, did you wanna call House Bill 28? Out of the record. House Bill 55, Representative Parke. Terry Parke. Out of the record. House Bill 66, Representative Lang. Out of the record. House Bill 75, Representative Lang. Representative Lang, how about House Bill 75? Out of the

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record. 93, House Bill 93. Out of the record. 98. Out of the record. How about House Bill 129? Representative Schoenberg. Out of the record. Representative Black, House Bill 144. Out of the record. House Bill 152, Representative Schmitz. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 152, a Bill for an Act to amend the Child Passenger Protection Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 152 is a direct response to a report card that the State of Illinois recently received regarding child safety and how we transport our children here in the State of Illinois. Ladies and Gentlemen, Illinois got an F. We ranked 48th in the nation on how we transport our children. House Bill 152 would make a requirement in Illinois that says, 'If you're 4'9, if you're 80 pounds or if you're 10 years old, you've gotta be transported in a booster seat.' And based on that, I would like to answer any questions that any Member may have."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass... excuse me. Representative Black."

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

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

Black: "I appreciate the Gentleman's Bill, but his remark that the State of Illinois got an F and I've seen editorials the same way. Why would the State of Illinois get an F... You mean it's our responsibility to see to it that children are taken care of by their parents or is it perhaps the responsibility of the parents?"

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Schmitz: "Representative Black, you brought up a great point. In Illinois, a lot of times our laws are bare-bone minimums. And what we set up here is the bare minimum of transporting a child, so we just gotta put 'em in a seatbelt in the backseat up to age six. After age six, we don't have to do that. They can run around in the backseat; they can sit up; they can do whatever they want. And based on what our law says, that's okay. If you're gonna deal with the law of physics, that's not okay. And what I found out through my research on this Bill is that there are many parents out there who are following the bare-bones minimum. I was one of 'em. I thought putting my child in the backseat of the car, in a seatbelt, was safe practice. And as I found out through my research, that is not safe practice and that's one of the worst things you can do is put a young child in the seatbelt that's made for an adult."

Black: "It's hard to quarrel with the... with what you're attempting to do. And I see, you did amend the Bill to have a height restriction, as well, because I have friends of mine who have a disabled child who's almost 17 and probably weighs less than 80 pounds, but is certainly higher than your... taller than your height requirement. It's 4'9, correct?"

Schmitz: "That's correct."

Black: "All right. I guess and it's a philosophical question, you can answer it or choose not to. We all drive, you and I, everybody in this chamber drive a lot of miles in any given month and it irritates me to see children... or parents with very young children who don't even bother to follow the infant seat. They have them standing up in the front seat or crawling all over the backseat. On the way over this morning, I saw a child laying down in the back

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window ledge of a car sound asleep. And I know that we don't have enough State Police officers or police officers anywhere around the state to enforce every law. But does this one present some enforcement problems? Is this a primary stop if the officer would determine that the child may be in this category and does not appear to be properly restrained? Can that be a primary stop?"

Schmitz: "Yeah. This wouldn't change what's already existing in the primary stop."

Black: "Okay."

Schmitz: "There's an unrestrained child in there right now, that's what occurs."

Black: "Now, the only calls I've had from constituents are those from grandparents and I'm now a grandparent. This would require if your children were dropping the grandchildren off to spend a week with you. You would either have to own a booster seat or you'd have to take it out of your children's car. Correct?"

Schmitz: "Yeah. The parents are... under the law, the parents are required to give it to 'em. Now, if they don't then we're not gonna hold the grandparents liable. Just as if we're picking somebody up at a soccer match. In our own household, we treat a booster seat no different than we treat a coat and gloves. It goes with our... both of our sons when we drop 'em off."

Black: "All right. So there's no primary liability that moves with the vehicle... it stays with the parent?"

Schmitz: "No. No. No, it stays... The parent should give it to 'em. If they don't, then we're not gonna..."

Black: "All right. Okay, fine."

Schmitz: "... follow the driver."

Black: "That answers the question that was raised in my district."

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I appreciate your response. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jackson, Representative Bost."

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

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

Bost: "Representative, you know, I respect you for carrying this Bill and I understand what we're trying to do and there's some concerns that I have and I haven't had the chance to look in deep at... as deep into the legislation as I'd like to, but is there an age requirement with this?"

Schmitz: "Yes, Representative. House Amendment 1 took into consideration an age, so we had three points that came out of the end result of this Bill. You either need to be up to 4'9, up to 80 pounds or up to 10 years old. If you hit anyone of those three, then you would be out of the booster seat."

Bost: "Well, I appreciate that being in there because being from a family of Bosts, we are fairly short in stature and many of us do not even reach 80 pounds until our junior or senior year in high school. And I would hate to see that that, you know, it'd be kind of rough going to a junior or senior prom in the car seat and that would be a little tough. But you know, I understand what we're trying to do and I think that we're trying to send a message to parents that this is very important. But the concern I have also and I think, Representative Black may have touched on that, do we... Right... When we originally passed the seatbelt law in the State of Illinois, that wasn't supposed to be a primary stop. Is this a primary stop? Can a police officer because of suspicion that there is a child not in a restraining seat, actually make a stop based on that?"

Schmitz: "It's my understanding, child safety stops are primary

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cause and they have been. Now, the seatbelts for the adults in the front seat are not primary cause, but if an officer sees a child, 4 years old, completely unrestrained in a car, that is a primary cause. That was and will be under this legislation."

Bost: "Thank you. I appreciate the information."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Madison, Representative Hoffman."

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

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

Hoffman: "Representative, I got two, I guess, concerns. Are we talking about taking this up to 10 years of age?"

Schmitz: "Up to 10 years of age, correct. So that would get you through 4th or 5th grade."

Hoffman: "And what type of car seat would they have to be in?"

Schmitz: "This would be a booster seat. I brought one just in case we had some questions on it, which we do. They would... It's not the car seat that we have with our 1-year-old and with our little ones that were huge and they're cumbersome. This is... This gets the child up to where the seatbelt comes across the shoulders right and comes across the stomach correct or the hips instead of the abdomen where they sit right now when they're..."

Hoffman: "So every 10-year-old, in the State of Illinois, is going to have to sit in one of those if they're under the pound..."

Schmitz: "No."

Hoffman: "... requirements?"

Schmitz: "No, as soon as they hit 10, so every 9-year-old."

Hoffman: "Every 9-year-old would have to sit in one of these as long as he hits... as long as they're within the pound restrictions."

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Schmitz: "If they hit 4... If they're tall and thin, they would be exempted under the height."

Hoffman: "Do you know of any other states who have this requirement?"

Schmitz: "Yes. California and Washington."

Hoffman: "And so, I'm all for childrens' safety, okay. But I have a 9-year-old, all right. And she wears her seatbelt, okay, voluntarily. That's the way she was brought up. I'm not so sure that we could keep a 9-year-old in one of these seats, okay. So you're then... you're fighting with a 9-year-old, you're trying to drive at the same time. The 9-year-old's out of the seat and all of a sudden the police can stop you and there could be a primary stop based on the fact that your 9-year-old has gotten out of their seat. Is that what you're saying?"

Schmitz: "No. If the 9-year-old falls in the criteria... if a 9-year-old is 4'8 and 60 pounds. I have an 8-year-old that sits in an identical seat to this and when we first introduced the seat, yeah, there was some grief in the household. But you know, it's my car and I'm gonna transport the children the best way they're supposed to be..."

Hoffman: "But..."

Schmitz: "... and the seatbelts aren't doing the job. You and I think that that's a good way to put the kids in the backseat, but if they're shorter, if they don't have the muscle mass of where the 80 pounds comes in, that seatbelt is riding across the abdomen and in a car accident, you and your spouse may stand outside of the car and everything's okay and your 9-year-old could be in the backseat with severe injuries."

Hoffman: "But I understand that. But what I think you're saying

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is if... even if my 9-year-old, if they fit that criteria, has a regular seatbelt on this could still be a reason for a primary stop of me as the driver. Is that correct?"

Schmitz: "I would... yeah. I mean if the officer's driving along and sees somebody... No, if they've got their seatbelt and they're restrained, why would it be a primary cause? It would be my question back."

Hoffman: "Because what you're doing, what you just said earlier, is this could be a primary reason for a stop. There would have to be no other reason. And we had a Bill, I guess a year ago, that had to deal with seatbelt usage. And it said if you didn't have your seatbelt on it could be a reason to stop an individual. Is that right? So, how did you vote on that Bill, Representative? How did you vote on the Bill? How did you vote on the Bill that would allowed it to be a reason for a primary stop of a driver if they don't have their seatbelt on?"

Schmitz: "Representative, I'd have to look at the voting record. We did a lot of Bills last Session."

Hoffman: "I guess what I'm saying here though is, I, as a parent could have my child in a seatbelt, but not in one of your seats and a 9-year-old and fits the criteria and that would be a reason... that would be a reason, even though I had a seatbelt on my child, for a law enforcement officer to pull me over. Is that really a legitimate reason for a law enforcement officer to stop my car, ask me to do various things and make it be a reason for a primary stop whenever I already have my child in a seatbelt, I just don't have him in one of your seats?"

Schmitz: "Well, the officers, right now, practice good, good faith. When they drive down the road, if they saw your daughter or your son sitting in the seatbelt, what would

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the concern be of the officer... they see a child sitting in the backseat restrained. So I mean, your point's well-taken, Representative and I would suggest that, you know, you just gotta vote your district on this. If you're getting a lotta grief, vote your district."

Hoffman: "No, we're not talkin' about voting in anybody's district. We're talking about reasons for police officers to stop drivers on the roadway. And what you're doing here is you're saying that if a 9-year-old does not have... a 9-year-old, that fits this criteria, does not have one of these seats under them, that would be a reason for a law enforcement officer to pull a person over."

Schmitz: "That's correct. If they don't see them wearing a seatbelt, I would believe, that would be their first concern to pull them over."

Hoffman: "So, who's gonna make the determination on whether they meet the criteria with regard to how much they weigh? Will every police officer, after they stop the person, will they have a scale with them that they're gonna weigh these 9-year-olds?"

Schmitz: "No. What they could do is what they do right now. You have a visual. You're able to tell and look in the backseat at the child sitting back there. If the lap part comes across the middle of their stomach and they've got the shoulder part tucked away, I mean, they can obviously tell at that point that the seatbelt is not fitting properly. They would tell the parent that Illinois has a booster seat law and this is what you should do."

Hoffman: "Well, let me just... To the Bill... To the Bill, Mr. Speaker. If I could have individual's attention. I personally..."

Speaker Hartke: "Shhh. Please."

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Hoffman: "I think people need to look at what this Bill does, okay. I, personally, believe in the safety and insuring the safety of our children. But what this does, is it says that 9-year-olds, who fit this criteria, would have to have car seats. Eight-year-olds, who fit this criteria, would have to have car seats. Now, I'm all... I, personally, am in favor of safety. But it also says that this could be a primary reason for stopping that car. So, you see a 9-year-old who is in a seatbelt, but doesn't have the proper car seat, you could stop that car. A policeman could stop that car, ask for other information, ask for various other identifiers, he could look into your car, could ask you for permission to look into your car. Now, that may be all well and good, but for people who are in this chamber... people who are in this chamber who are concerned about reasons that law enforcement is pulling individuals over whether because of race, whether because of other factors. If you voted against having it a primary cause for stopping for an individual to wear a seatbelt, I submit to you, you should look at this Bill very carefully. I, personally, I'm gonna vote 'present'. It's not because I'm against the idea, I just... I'm concerned about the issue of primary stops and I'm concerned... I have a 9-year-old. I think it would be very difficult to make sure that she is in the type of seat that we're requiring and law enforcement could pull me over because I'm not doing it, even though I have her in a proper seatbelt."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

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

Speaker Hartke: "Sponsor indicates he will yield."

Davis, M.: "Representative, if you have a child that you are

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picking up from school and the kid is maybe, 5 years old, and he's in the backseat. Are you telling me that he has to be in a restraining seat?"

Schmitz: "Yes."

Davis, M.: "Does that include buses or just cars?"

Schmitz: "Just cars."

Davis, M.: "And if the child is not in a seat, you're telling me, that the police can stop you and do what?"

Schmitz: "The police can stop a car, right now, with an restrained child up to age 6."

Davis, M.: "And we're increasing it to..."

Schmitz: "Ten."

Davis, M.: "We're increasing it to 10?"

Schmitz: "Or height or weight."

Davis, M.: "You're telling me that a 9- or 10-year-old child, who is not in a car seat, will cause me to have a ticket from the police? Representative?"

Schmitz: "I'm sorry."

Davis, M.: "I'm saying, are you telling me that an 8-, 9-, 10-year-old child, who is not in a car seat, can cause me to get a ticket?"

Schmitz: "What this Bill is saying is that we're transporting many of our kids wrong and we think we're doing it right. Seatbelts are not made for children, they're made for adults. A booster seat will... all it does is rise that child up to sit into a booster seat or to sit inside the seatbelt correctly, in the event of a crash. That's what the Bill is saying."

Davis, M.: "Well, Representative, you know some 9- and 10-year-old children are very large, they're really large for their age. In fact, there was an article recently about how America's children are becoming obese. It would

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be very difficult to put some children in a seatbelt at that age... I'm sorry, in a car seat. And most vehicles, today, have the car seats in the back of the car, in the back of the van and I think, I'm just concerned, Representative, when we're looking for minor reasons to stop and ticket motorists. Now, have we had a rash of children being killed in cars because they weren't in car seats, Representative?"

Schmitz: "I... Somewhere along the line I think there was a question, but I think, early on, I heard you say about an obese child being forced to sit in one of these seats. The Bill has three criteria that must be met: height, weight, or age. The weight of 80 pounds, the height of 4'9 and by the way, those two criteria come from federal guidelines on what a correct height and weight is to sit, for an individual to sit in a seatbelt properly. The age gets us through some of the issues you're dealing about."

Davis, M.: "To the Bill. To the Bill, Mr. Speaker. I believe that we have to give parents some opportunity to exercise their good judgement when it comes to their children. I believe that most parents picking up their children from school or carrying them with 'em to the grocery store will have those children properly secured in a seatbelt, but not in a child safety seat. Now, I don't know if somebody we know is selling these seats and we want to make sure they sell a lot more or what. But I think what's significantly important is that we give parents for children that age and that size the option of do they want them in the back, buckled up, or do they want them to be squaz or squeezed into a tiny, baby car seat. I think this is a bad piece of legislation and it's one of those pieces that will have police officers doing work that will take them away from

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significant work. We have not had any rash of children being injured because they were not in a car seat. I believe, Mr. Speaker and to the Representative, we do not want to burden the police with duties that have not proven to be necessary. Now, and I would prefer for that police officer to be chasing a speeder, chasing a robber, looking for a rapist rather than stopping Mr. Jones or Mr. Smith because his 9- or 10-year-old child was not in a car seat. I believe that parents have a great deal of intelligence. I believe that they want to protect their children more than anyone else and none have ever come to me and said their child needed to be in a car seat when he's that age and that weight. I urge a very big 'no' vote on this legislation."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang. The Sponsor will yield."

Lang: "Thank you, Mr. Speaker. Representative, are there any facts or figures from the National Transportation Safety Board or the PTA or some appropriate group that would lead us to believe we need to do this?"

Schmitz: "Representative Lang, there are. There are... There was a report card that came out from National Safe Kids campaign that ranked each state and the injuries and deaths caused on our highways by... just by us putting kids in the seatbelts which we think is correct. Seventy-one percent of deaths could be averted if we pass this Bill. Sixty-six percent of injury could be averted if we pass this Bill. All this Bill is saying and all I'm sitting here trying to bring this issue to the forefront is saying is we're doin' it wrong. We think we're doin' it right putting 'em in the backseat, buckling 'em up with a seatbelt, but in the event

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a car crash does happen, that seatbelt is actually hurting them more than we think it is."

Lang: "Well, I understand that there's a lot of kids injured in vehicles and in fact, as I drive down the street and I see children who are unbelted in a car, I want to take those parents and shake them because I think they are not doing the appropriate thing for their children. But are you telling us that those statistics you read relate specifically to how a child would be safer in a booster seat than they would just in a seatbelt?"

Schmitz: "That's correct. Those statistics were based solely on improperly restrained and that's being in the seatbelt."

Lang: "How would you enforce this? Are we gonna have state troopers with scales in their cars to weigh children? How we gonna do this?"

Schmitz: "No. The enforcement provision I don't see being any different than what we do now. As officers driving next to a car and sees what you saw and what Representative Black saw, a completely unrestrained child, I think there's gonna be a traffic stop. And I would hope there would be a traffic stop. But as Representative Hoffman stated a few minutes ago, a driver coming down the road or an officer coming down the road and seeing you driving with your 10-year-old son or daughter and seeing the seatbelt saying I'm gonna pull this individual over because they may not fit the criteria, I don't think is just reasonable. I don't believe that that's what we're envisioning this to do and I don't think the police envision their enforcement to be like this."

Lang: "Well, thank you, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

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Lang: "I'm a Legislator that spends a lot of time talking about seatbelts. You know that I've had Bills in this chamber to require seatbelts on school buses and I'm a very big proponent of safety for children in vehicles. But frankly, I don't think this Bill is the right way to do it. If there was a Bill making criminals out of parents that didn't belt their kids in the car, I would join that Bill because as I drive down the street I see a lot of unbelted kids and it's appalling that many parents don't take the time to keep their kids safe in their vehicles and we should be trying to encourage them to do that. But I think the way this Bill is written it's very awkward to enforce. It's very awkward for the parents to understand and I don't think there's any good criteria in this Bill to determine who should be belted when. Accordingly, while I support the Sponsor's goal of safety for children, I don't think this is quite the right way to do it. And if there was ever a Bill that cries out for a 'present' vote, this is it. I'll be voting 'present', Mr. Speaker."

Speaker Hartke: "Representative Schmitz to close."

Schmitz: "Thank you, Mr. Chair... I'm sorry, Mr. Speaker. We've had a good discussion on this today. And the goal of the Sponsor is that, Ladies and Gentlemen, when we transport our children, as I stated earlier, we think we're doin' it right. We've got statistics upon statistic that shows that we're doing it wrong. We've had federal standards that come out that say they should either be 4'9 or 80 pounds to ride in a booster... or before they can ride in a seatbelt. This Bill allows for that. The committee asked that we should come out and have a cutoff age, this Bill allows for that. Every year 1800 children, 14 and under, die in motor vehicle crashes due to improper restraint, 1800 children.

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We think we're doin' it right and we're not. I would ask that you look at this Bill, read its merits, understand that by putting your 5-year-old or 6-year-old child in the backseat in the seatbelt, can actually do them more harm than good. I would ask that you do take the time to look at this, do take the time to talk to your constituents and vote 'yes'. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 152?' 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 11 people not voting. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 57 Members voting 'yes', 14 Members voting 'no', 14 Members voting 'present'. Excuse me. No. 57 Members voting 'yes', 14 Members voting 'no', and 41 voting 'present'. Mr. Schmitz."

Schmitz: "I would request that we put this on Postponed Consideration."

Speaker Hartke: "The Gentleman's asked for Postponed Consideration. On page 11 of the Calendar appears House Bill 180, Representative Bost. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 180, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Out of the record. House Bill 217, Representative Mitchell, Jerry Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 217, a Bill for an Act relating to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of

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the House, House Bill 217 was on the floor last year and passed with quite a few votes. This is a Bill that simply allows school districts to use three years of average daily attendance, average those together and if that figure is larger than the current year, than they're allowed to do that. Districts will still lose money if they're losing students, however, this does slow down the rate at which they lose that money. It allows superintendents to plan and to budget a little better. I think it's a good Bill. This is the way the funding formula used to work before we made the changes with the foundation hoping that that would stem some of the losses downstate, in particular. But I've noticed that some of the South Suburban districts are also losing some students and it would help them out as well. I'd be happy to answer any questions. And I'd certainly appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion on House Bill 217? The Chair recognizes Representative Parke, the Gentleman from Cook."

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

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

Parke: "Representative, I see that Representative Hoeft is up there. I am suburban Cook County. How does that affect my suburban school districts?"

Mitchell, J.: "Representative Parke, if you're increasing students, it doesn't affect you at all. However, if a time comes when you start to lose students, then it will allow your superintendent to use a three-year average and although they will still lose some money, they won't lose quite as much, quite as quickly."

Parke: "Well, you say it doesn't affect me. Does that give a more advantage to those school districts based on the

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current formula... funding formula?"

Mitchell, J.: "This applies to funding formula students, correct. If you're a flat-grant district, one that doesn't tap the formula, it has no affect. Except that it will allow districts downstate to... not only in downstate, but particularly in downstate to slow the amount of money that they lose from the current formula."

Parke: "So, it does affect my school districts because I have a number of them that are flat-grant school districts. So therefore, under the formula, those school districts that are losing population would gain more money and therefore, the distribution of money would be more... would help..."

Mitchell, J.: "Directly would..."

Parke: "Actually, would flow from the budget down to them at a greater proportion than if you didn't pass this legislation. Isn't that true?"

Mitchell, J.: "Well, Representative, there's nothing in this Bill nor in legislation that would allow the flat-grant amount to be reduced, therefore, the amount of money that your districts would get would remain the same."

Parke: "Right, but your school districts would get more money. Isn't that right?"

Mitchell, J.: "I'd certainly hope so."

Parke: "And so the distribution of money, if it's under a formula, means that there's gonna have to be more money going into the formula from the General Revenue Fund and therefore, my school districts won't benefit at all, but yours will. Where's the fairness to that?"

Mitchell, J.: "Representative, some of your districts would benefit, some would not."

Parke: "Well, I don't think so and I would say that the suburban school districts ought to look at this because I believe

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that it's detrimental to us because what they're saying is that if you have 'x' number of dollars in the budget or in the appropriations for higher... for elementary and secondary education and you're a flat-grant, you don't get anything. But if you're... have a school districts somewhere else and you're losing population, they'll get more. Now, I don't think that's fair and I don't think it's right. And I think we should vote 'no' on this."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If the Sponsor'll yield just a second?"

Speaker Hartke: "Sponsor will yield."

Mautino: "Jerry, this is the legislation which is also part of the Governor's task force recommendations, I believe, recommendation #3. Is that correct?"

Mitchell, J.: "That's correct and it's also part of the Republican education package that came about after going all over the state, including the suburbs, to talk to various superintendents, various citizenry, various representatives on the needs that we have in the State of Illinois."

Mautino: "And this is also, I believe, the Bill that you and Representative Hannig cosponsored last year during the budget negotiations, pretty much the same format?"

Mitchell, J.: "That is correct. And you're also correct in your identification as this as a key component of the EFAB recommendations to the Governor."

Mautino: "Thank you and to the Bill, itself. Ladies and Gentlemen, I would urge support towards this legislation. It will give the three-year average and that will tend to slow the decline of funding to downstate schools."

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Currently, the hold harmless money, which is at about \$90 million, includes 512 districts, 485 of those are downstate. And this will allow for those districts losing population to ease back more gradually, not take immediate hits. It has no affect on flat-grant districts, but is something that's both the Governor's recommended level and most of the Members have... downstate have jointly sponsored and see this as a way to help protect and preserve the monies going into the school districts. And I just simply ask for an 'aye' vote."

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

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, whether you're a flat-grant district, whether you're in the formula at this point, there may come a time when you see declining enrollment as an erosion of the state dollars that you have. This Bill simply helps those districts right now that are on the formula, it helps those districts now that may have a rise in enrollment, but that time could come when you lose students. The Bill does not say you'll not lose money. The Bill says you will lose money at a less-rapid rate, therefore, you can budget better. Districts that are losing enrollment will still lose money, just not at a rapid rate. This Bill was in legislation prior to the change in the formula, it's needs to be there now. And I request an 'aye' vote. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 217?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On

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House Bill 217, there are 105 Members voting 'yes', 9 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears House Bill 502, Representative Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 502, a Bill for an Act respecting education. Third Reading of this House Bill."

Speaker Hartke: "Representative Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to present to you House Bill 502, a proposal to require that the State Board of Education establish and administer a program to revitalize some of the vocational education programs of our State of Illinois. Over the past seven, eight years, many of the schools which had... high schools which had great vocational education programs had to drop these programs because of funding shortages. In many cases this meant that a huge capital investment by our state, by our local districts was literally mothballed. Literally a huge capital investment was placed into a warehouse because we didn't have the funds necessary to operate the programs. This was particularly the problem at one of my local school districts in South Cook County. Fortunately, last year, we are able to solve that problem with a variety of funding sources including a state grant, some private source funding and strict budgeting by the school district. We were able to revitalize those programs for the Boone Township High School District this past September. But the issue of getting these programs revitalized throughout the State of Illinois continues. This Bill was presented last year and passed out of this House 114 to 0. I ask for your

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support and I would welcome the opportunity to answer any questions that you might have."

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: "Sponsor will yield."

Black: "Representative, for clarification. The state board, about 30 years ago, encouraged districts to cooperatively form vocational high schools, vocational centers, area vocational centers, I believe, what they were called. Would this Bill allow an area vocational school, subject to appropriation, to tap into revitalization funds?"

Scully: "Representative, those types of ideas are exactly the programs that we would like to see the State Board of Education review and if that's the best way to provide that service to our students, that's exactly what we should do."

Black: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Hartke: "To the Bill."

Black: "This Bill that the Sponsor can amend it in the Senate to cover those cooperative high schools that were built 30 years ago with the full support and urging of the State Board of Education, where many smaller high schools came together 30 years ago realizing that we could not keep up with the fast changing technology we would pool our resources, build a centralized area vocational center and then hopefully, let our children in rural areas have access to the latest in manufacturing and technological or electronic kinds of courses. The idea was sound 30 years ago; it is sound today. But there's one problem, an area vocational center, a cooperative school for special

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education or the developmentally disabled are not covered under school technology or construction grants. They're out there on their own. Some of them are trying to put on welding classes with technology that is no longer used or useful in the workplace. And they cannot afford to go back to each member school and get the kind of money that it takes to stay current in technical education. We have put all kinds of money, and rightfully so, in the last four or five years into technical education, long overdue. But we are ignoring some of the basic infrastructure that was designed to move kids who, for whatever reason, may not want to go to college and talk to any employer. There are plenty of opportunities out there for people who can get some of the technical skills so vital and necessary to the business climate and business industry today. But I've never understood why we will not let area vocational centers, area special education centers tap into school construction or technology grants. And if this Gentleman's Bill will once and for all address that, more power to him. I stand in strong support."

Speaker Hartke: "Representative Parke, do you stand in opposition to the Bill? Mr. Parke."

Parke: "Thank you, Mr. Speaker. I understand what Representative Black said. I just need a reclarification of the Sponsor. You said that this will address regional vocational centers or is this just for the local school districts to secure a grant?"

Scully: "This Bill specifically provides for the State Board of Education to look at the different options on what is the best way to revitalize these programs for our schools."

Parke: "It says that it'd req... on our notes, it says it requires the State Board of Education to establish, subject

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to appropriation, administer a vocational education revitalization grant program. It just says it's to establish. It doesn't say review or to make recommenda... It says it will. It shall. And so, I mean, maybe you want a study or something, but this says you're gonna do it. Is that your intent, to do it?"

Scully: "Could you rephrase the question?"

Parke: "You indicated to us that this was supposed to be some kind of a recommendation that the state board was going to make. This sounds to me like there's no recommendation. This sounds like a Bill that says, you will do this. Is this a will do... Is this a 'shall' or is this a 'may'?"

Scully: "This is a Bill that the State Board of Education will establish and administer a vocational education revitalization program. It does not specify precisely how, that program has to be structured."

Parke: "Well, why is the State Board of Education opposed to this?"

Scully: "I'm sorry, Representative. I couldn't hear your question."

Parke: "Why is the State Board of Education opposed to this?"

Scully: "I am not aware of why the State Board of Education is opposed to this."

Parke: "Do they slip in on this?"

Scully: "Sorry?"

Parke: "I said, did they put a slip in explaining why they were opposed to it in committee?"

Scully: "They did not."

Parke: "Do you know how much this is gonna cost?"

Scully: "We don't know how much it is going to cost until the State Board of Education provides us with the program that they would recommend."

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Parke: "So, this could be a dollar and it could be \$10 million.
Right?"

Scully: "Yes, that's correct."

Parke: "Well, this is a hard thing... To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Parke: "This is a hard issue because the underlying concept is validity. I understand what the Sponsor's trying to achieve. However, this is open ended. That bothers me. The state board... it bothers the State Board of Education 'cause there's no appropriation for it. This is an idea that has to be funded. We have no idea how much it's gonna cost. And, you know, it's... if it affects a region, if it's... if it affects a regional vocational program, I think this has more merit. If it's individual school districts that are gonna be able to request state funding... Whatever happened to the opportunity of a school district go to their local voters and ask for an increase in funding through referendum because it's a worthwhile idea to that local school district? Why do we continue to come to the State of Illinois and try and take money out of the General Revenue Fund when they all have the ability to go to referendum? And my suburban school districts... we want something and we can make a case for it, we go to referendum and if we can convince the voters, they... the majority votes for it. You know, we keep losing track of this idea that the General Revenue Fund is provided by taxpayer money. And I think, comes a point in time when you have to draw the line in the sand and say, we're payin'... the taxpayers of this state are payin' too much money in taxes as it is. Then this General Assembly continues to spend money without any regard to where it comes from. And so I'm gonna vote 'no' just on principle.

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And I would hope that in the future that if you're gonna be sponsoring legislation like this that's gonna cost money and you have no idea how much it's gonna cost, to come up with a tax increase of some sort to pay for it. Otherwise, go to your local voters and ask for the right to raise their taxes through referendum."

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

Scully: "Thank you, Mr. Speaker and thank you Memb... Ladies and Gentlemen, Members of the House. I think this is a great program. We've already got a huge investment in the State of Illinois in our local school districts in the capital expenditures that were necessary to create these vocational education programs. Now, we gotta get these programs out of mothballs. And I'm asking for your support to ask the State Board of Education to put together a program to accomplish precisely that goal. Thank you very much."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 502?' 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 502, there are 111 Members voting 'yes', 3 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 11 of the Calendar appears House Bill 226, Representative Winters. Representative Winters. Out of the record. House Bill 234, Representative Leitch. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 234, a Bill for an Act amending the Medical Practice Act of 1987. Third Reading of this House Bill."

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Speaker Hartke: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 234 clarifies the means by which distinguished, foreign professors can work at the medical schools in Illinois. For the last several years, we've been trying to work out the licensure requirements for these distinguished professors. It's essential that we do so because as Illinois attempts to regain its prominence in basic research and medicine, a number of these individuals are very important to that effort. The Bill provides a first-time means of examination and then it continues to require that the doctors who are here would be able to be relicensed with the continuing of education requirements that are already in place. It's a good Bill and I would ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition... Excuse me, Representative Slone."

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

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

Slone: "Mr. Leitch, can you tell me what the problem is that the Medical Society has with this Bill?"

Leitch: "They don't have it. It's an Agreed Bill."

Slone: "Okay. They were listed as an opponent in our analysis."

Leitch: "Not anymore. Not as amended."

Slone: "Okay. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Leitch asks for a favorable roll call. The question is, 'Shall the House pass House Bill 234?' 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

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Bill 234, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 397?"

Clerk Bolin: "House Bill 397 is on the Order of House Bills-Third Reading"

Speaker Hartke: "Move that Bill back to Second for the purposes of an Amendment. Mr. Fritchey, are you seeking recognition?"

Fritchey: "Thank you, Speaker. Rise for the purpose of an announcement."

Speaker Hartke: "State your announcement."

Fritchey: "The Consumer Protection Committee will not meet this afternoon. Repeat. The Consumer Protection Committee will not meet. We'll meet as scheduled next week. Thank you."

Speaker Hartke: "The Chair recognizes Representative Currie for a Motion."

Currie: "Thank you, Speaker. I move that we suspend the posting requirements so that Representative Rutherford's Bill, House Bill 2233, may be heard in the committee on Executive tomorrow morning."

Speaker Hartke: "Hearing no objection... The question is, 'Shall the House suspend the rules for allowing the posting of House Bill 2233?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the rule is suspended. On page 11 of the Calendar, on Third Reading appears House Bill 290, Representative Johnson. Tom Johnson. Mr. Johnson, want to hear the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 290, a Bill for an Act concerning higher education. Third Reading of this House Bill."

Speaker Hartke: "Representative Johnson."

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Johnson: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 290 is a Bill which we passed out of here almost unanimously last year. It got caught up in the Senate. But what this Bill basically does is that it gives a right to all of our high school students in the state who graduate in the top 5% of their high school graduating classes, admissions into one of our state universities. The procedure for admissions would be as such that no school... it doesn't automatically mean that you get automatic admissions in the U of I or NIU or anything else. It merely sets forth a procedure by which the universities themselves would take a pro rata share based on the previous year. And as far as I know, there's no opposition to this Bill. And as to the numbers involved, this is a very miniscule number in terms of the total number of people going to our state universities and that we feel this would be a great start and a way to reward and give our seniors and our high school students incentive to do well in their respective schools. Be happy to answer any questions."

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

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

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

Davis, M.: "Representative Johnson, do you feel that there are currently numerous opportunities for students who are academically successful in getting into college?"

Johnson: "Representative, I think there are for a number of our students, but not all of our students. And I would suggest that if you take a number of our seniors in some of our inner-city schools and so on, even though they are in the top 5% of their class, many of those are having difficulty

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getting in to our state university system and I think that's wrong. I think that they ought to be entitled to get in there. The Bill provides that remediation and so on remains the same, currently, and that whatever it takes to make these kids succeed the universities will do that."

Davis, M.: "So, you're saying that the SAT and the ACT would be disregarded if that student was a top 5% at, say, Calumet High School in Chicago. That school... That student would edge out a student who perhaps was not a B student, but he was an honor roll student wherever he was and his coursework was much harder than the coursework of the student who had these Bs or that was the top 5%. Do you understand what I'm sayin'? Now, let's think about it."

Johnson: "I'm just... Yes, I understand what you're saying. It would be the top 5% would have an automatic admissions thing regardless of their scores on SAT or ACT."

Davis, M.: "Have you spoken to..."

Johnson: "Doesn't mean that it would be disregarded in the sense of what these students might need in the way of additional remediation so that they can succeed when they get there. You know, I think it has a lot of merit to want to challenge each of our students to do the best they can in whatever schools they are and certainly, to say that after you have worked hard in whatever school you're in that that still doesn't qualify you to be able to get into one of our universities. I just think that's wrong."

Davis, M.: "Representative, I know that you have very... I know your ideas are highly noble and I know that your intent is very well-qualified, however, I have a major concern with the General Assembly deciding that a university must accept B students from wherever they obtained those Bs. I know that your intent is to give opportunity, perhaps, to as

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many people as you can, but I have received opposition from presidents of universities in the State of Illinois who feel that this particular legislation will edge out a particular group. Over a period of time, a particular group will be edged out of opportunities to go to college. And I believe that, even though a student gets all As or all Bs or is in the top 5%, the State of Illinois currently has numerous opportunities for that student to go to school, to get a scholarship. There are all kinds of scholarships on the Internet and for us to hamstring universities in who they admit or whom they emit... admit is very erroneous. We should not do this. I believe this will tie into eventually the high-stakes testing that many states are moving toward. The students in the State of Illinois are diverse. The students in the State of Illinois are not only diverse, but they're academically different. Some of them are more challenged than others. But I believe we should leave it up to the university who is accepted in that university. We, in the General Assembly, should not say to those schools who have set up their own criteria, we should not say to them, you must take the top 5% from across the state. The intent is noble, but the result will be very skewed. The result, Representative, will slowly edge out minority students. Therefore, I urge a 'no' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Hartke: "He indicates he will."

Mulligan: "Representative Johnson, I think the last time you had a similar Bill I brought this issue up. Some of the schools in our area, the top 5% is pretty challenging and

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probably the grade points of the top 15% may be a lot higher than some of the other schools around the state, so that hampers young people who go to schools that have accelerated classes and come from an area where the expectations of the parents are that there all the children in the school are gonna go to university. So, then what happens to those young people when the spots at the university are taken up by people with lower grade averages than perhaps they had, but they may not be in the top 5%?"

Johnson: "Well, first of all, Representative, you know we keep preaching to all of our kids in our public school system as we try to keep improving our public school system that when you come out of here you have a degree worth something. In reality, what the genesis of this was, this is modeled after a Bill... a law that was down in Texas and in Florida. As you know, the Supreme Court has been knocking out affirmative action programs, quota systems throughout the country. What this Bill basically did, when they threw out the affirmative action program in Texas, that's when they first implemented this program. In Texas, it's the top 10%. In Florida, it's the top 15%. And what they found out there was they ended up actually being able to receive more minorities onto their campuses than they had under the affirmative action program because, obviously, you have a number of schools that are either all minority or not and what it does is, it gives an opportunity to those kids as well. Now, when we looked at this in Illinois, we looked at this as just, let's try something and let's just see where it begins. Five percent, if all of 'em, for example, if all of our graduating seniors were to take advantage of that, we're looking at about 5000 kids. It will have no real impact in terms of displacing

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other kids. But it will give us an opportunity, I think, in order to move forward and to see how, in effect, this works as far as the incentive for each of our kids."

Mulligan: "So, have universities assured you that it would not displace the total number of slots open for other young people? You might have a student that has a higher SAT score than someone in the top 5%, but they were in the top 10 or 15%. Then is the school still gonna have a spot for them?"

Johnson: "That has not been the case in the other states that have enacted this at all. You have to realize, when we're talkin' the top 5 or 10%, that 5000 number's... really, if everybody takes advantage of it, if only all of our kids, if only my kids would have picked state universities instead of the ones they did, I could probably retire, but I can't. So, a lot of kids don't even avail themselves of going to our own state universities, but I think, that the least that we can expect is that when our kids do everything that we've asked them to do to succeed in whatever school they're in, that there has to be something there at the end of that, that kids we're not gonna drop you now. You wanna go on, we've got a place for you. Representative Lang has a Bill in which all B students would have free tuition in all of our universities. You know, Georgia has a similar program. I don't necessarily disagree with what Representative Lang's trying to do. I wish we could do that. The least we could do, I think, is at least let our top 5% graduating seniors, out of our schools, have an opportunity. And that's what this Bill is."

Mulligan: "All right. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is

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seeking recognition, Representative Johnson to close."

Johnson: "I would just ask for your 'aye' vote on this piece of legislation. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 290?' 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 290, there are 102 Members voting 'yes', 3 people voting 'no', and 8 people voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 84?"

Clerk Rossi: "House Bill 84 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second for the purpose of an Amendment at the request of the Sponsor. House Bill 525, Representative Fowler. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 525, a Bill for an Act concerning Illinois Correctional Employee Memorial license plates. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 2046, Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2046, a Bill for an Act in relation to health. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Back on Third Reading, on page 5 on the Calendar appears House Bill 536. Representative Crotty. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 536, a Bill for an Act in relation to

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education. Third Reading of this House Bill."

Speaker Hartke: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This important piece of legislation will increase special education personnel reimbursement for certified special education staff members from 8,000 to 10,000 over the next four years with annual increases of \$500. And also the noncertified staff reimbursement would increase from 2800 to 3800 over the next four years, that would be an annual increase of \$250. There has been no increase to this reimbursement since 1985. And this legislation will benefit everyone of the school districts and everyone of the students whether they be a regular student or a special education student in the State of Illinois. And at this time, I also want to thank the 48 cosponsors on this Bill for the bipartisan support. And I know I had no opposition to this Bill and there were 15... over 15 witness slips signed in support of. So, I would entertain any questions that anybody might have."

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

Black: "Thank you very much, Mr. Speaker. Might I say, it's good to see you on Museum Day. You're the closest thing..."

Speaker Hartke: "Very... very happy to be here."

Black: "... to a museum we have down our way, Sir. Thank you."

Speaker Hartke: "Do you have questions of the Sponsor?"

Black: "Yes, I do. I just..."

Speaker Hartke: "You may proceed."

Black: "Thank you. You're so kind. Representative, could you... perhaps you could be kind enough to straighten out one thing for me. And if you can straighten this out, I intend to vote for your Bill. If you can't straighten it out, I

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may vote for your Bill anyway."

Crotty: "Oh, it sounds like a challenge, Representative."

Black: "Every year, for the past several, we have heard the good news that we have fully funded categorical programs. Does that mean we are fully funding categorical programs like special ed at the actual cost to the district?"

Crotty: "When we say fully funded, we're not fully funding, but we are meeting the state's obligation. But..."

Black: "The state's..."

Crotty: "... the federal mandates, no."

Black: "The state's obligation as embodied in statute."

Crotty: "Only."

Black: "That's right. And the statute says, we would reimburse special education costs at how many dollars per special ed teacher?"

Crotty: "Eight thousand."

Black: "Eight thousand dollars. Do you have any special education teachers in your district who work for \$8,000?"

Crotty: "No, I don't."

Black: "I don't either. Representative, I think you're on the right track and I know it's an expensive proposition, but Ladies and Gentlemen of the House and Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I spent almost 20 years in education and forgive me if I know a secret that some of you don't, I don't intend to sound that way, but many of you leave here in the spring and say, 'We have fully funded categorical programs.' You have not. You have funded them at the statutory level, which for special education, is \$8,000 a teacher. My home district of Danville, just to carry out the special education mandate, spends \$3.5 million of local property

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taxes over and above state reimbursement just to carry out special education. So, I applaud you for bringing this Bill before us. And I'm tired of people going home and telling the press, well, we fully fund all categoricals. We do not. We fund them at the statutory level and you are raising the statutory level and it's long overdue. And vote 'yes' for the Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Whiteside, Mr. Mitchell."

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Representative Crotty, does this legislation favor any particular district in the State of Illinois?"

Crotty: "No, it does not. It's for every single one of the districts in the State of Illinois."

Mitchell, J.: "So, this would benefit not only downstate schools, but suburban schools, inner-city Chicago schools, as well."

Crotty: "That's correct and more importantly for every student in the State of Illinois."

Mitchell, J.: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Mitchell, J.: "The previous speaker was absolutely correct. We fund special education at the statutory level. Maybe 15% of what it actually costs to educate a special education student and I'm not saying that they don't deserve it. In order for everyone to get an equal education in the State of Illinois it does take more funds, it takes smaller classes, it takes more teacher time for some students to get a concept than it does others. Those are mandates that are passed down to us through IDEA which is federal legislation. There's nothing we can do about that, but we certainly can take some help with the assistance, the

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financial aid to our districts. This is a Bill that affects every single school district in the State of Illinois. This is a Bill that will help every single school district in the State of Illinois, where the one of the top financial burdens that they all suffer under. Every school district has to take money out of their regular education fund budget to make up the difference between what they receive from the Federal Government and the state in order to cover the costs of special education. It's high time we started looking at those exorbitant (sic-exorbitant) costs, it's high time that we gave some help. I, too, applaud the Sponsor of this Bill for bringing it forward. I'm very proud to be a cosponsor. And we request your 'aye' vote. Thank you."

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

Crotty: "I would just ask for a favorable vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 536?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, for an announcement."

Clerk Bolin: "... Committee hearing has been cancelled for this afternoon. The Consumer Protection Committee at 5:00 has been cancelled."

Speaker Hartke: "Representative Currie now moves that the House stand adjourned until the hour of 12 noon tomorrow. All those in favor signi... allowing perfunctory time for the

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Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "The House Perfunctory Session shall come to order. Introduction of Resolutions. House Resolution 91, offered by Representative Burke, is assigned to the Rules Committee."

Clerk Bolin: "House Perfunctory Session will come to order. First Reading and Introduction of House Joint Resolution Constitutional Amendment #7 offered by Representative Boland.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT 7

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 25 of Article I of the Illinois Constitution as follows:

ARTICLE I

BILL OF RIGHTS

SECTION 25. UNIVERSAL HEALTH CARE COVERAGE

Health care is an essential safeguard of human life and dignity, and there is an obligation for the State of Illinois to ensure that every person is able to realize this fundamental right. On or before May 31, 2004, the General Assembly by law shall enact a plan for universal health care coverage that

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permits everyone in Illinois to obtain decent health care on a regular basis.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of this Constitutional Amendment. First Reading and Introduction of Senate Bills. Senate Bill 95, offered by Representative Mathias, a Bill for an Act in relation to plats. First Reading of this Senate Bill. Being no further business, the House Perfunctory Session will stand adjourned until Wednesday, March 7, at 12:00 noon."