

STATE OF ILLINOIS  
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109th Legislative Day

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Reverend David Smith of the Saint Paul Lutheran Church in New Lenox. Reverend Smith 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."

Reverend Smith: "Most Gracious God, we stand before you today, from Galena to Metropolis, from Quincy to Danville, from Chicago to East St. Louis. We stand for the people of this great State of Illinois, assembled as their Representatives. We pray that You will direct and prosper all their deliberations. May they advance Your glory, particularly in the ambitious calendar set before them today. May the action completed today preserve democracy, safety, honor and the welfare of all people, especially our children and elderly. May all debates and readings be ordered and settled upon a sure foundation so that peace and justice be established among us. Lord, open the eyes of those who govern so they may see Your purpose. Grant them obedience to fulfill it, within the resources You provide. Lord, this past Tuesday, the people spoke in many and various ways. We humbly ask that you enable healing, especially where distrust and bitterness reside. Grant restoration of unity and understanding. Enable all our public servants to live and work together for the common good. Grant these and all other necessities of governance, O God, our rock and Redeemer. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representatives Calvin Giles."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Fritchey, Ryan, and Morrow are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Yes, Mr. Speaker. Representative Lindner is reported excused today."

Speaker Madigan: "The Clerk shall take the record. There being 114 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Introduction to Resolutions. House Resolution 737, offered by Representative Connie Howard is assigned to the Rules Committee. Representative... Committee Reports. Representative McKeon, Chairperson from the Committee on Labor, to which the following measure/s was/were referred, action taken on Thursday, March 21, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to House Bill 4540. Representative Mike Smith, Chairperson from the Committee on Agriculture, to which the following measure/s was/were referred, action taken on Thursday, March 21, 2002, reported the same back with the following recommendation/s: 'recommends be adopted as amended' House Joint Resolution 63. Representative Julie Curry, Chairperson from the Committee on Appropriations-Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Thursday, March 21, 2002, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 6159. Representative Flowers,

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Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on Thursday, March 21, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1656."

Speaker Madigan: "Mr. Brosnahan on House Bill 5579. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5579, a Bill for an Act in relation to health. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. House Bill 5579 requires the Governor, along with the Department of Human Services, to appoint an advisory committee to develop a Developmental Disability Services Implementation Plan that will ensure compliance with the recent Supreme Court decision, the Olmstead decision. This advisory committee will... the makeup will be as follows: it should be composed of persons with disabilities, family representatives, and individuals who represent each principal state agency, as well as local government agencies and nongovernmental organizations concerned with services for persons with disabilities. The implementation plan is set out in this legislation. It requires certain things, but it will not be limited to these things. Number one, it also... it will establish procedures for completing comprehensive evaluations, including provisions for department review and approval of need determinations. It also establishes procedures for the development of an individual service or treatment plan. It also encourages the state to look at ways to find more federal money to tap into available federal waivers and things of that nature. There was no opposition in committee. The Department of Human Services is in favor of

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this Bill. There was one group, Illinois Long-Term Care Facilities, that had a problem with one of the... the makeup of the committee. They wanted it to be spelled in the committee but, other than that I know of no other opposition. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. 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? Has... has... The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Beaubien in the chamber? Do you wish to call House Bill 5703? Mr. Clerk, read the Bill. The Bill is 5709."

Clerk Rossi: "House Bill 5709, a Bill for an Act concerning telecommunications. Third Reading of this House Bill."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "Yes. Thank you. This Bill amends the Emergency Telephone System Act to provide a uniform statewide standard for the calculation of emergency telephone system surcharges paid by the businesses using PBX or Centrex phone systems. The Bill addresses the problem of how to count phone line equivalence for the purpose of calculating 9-9-1(sic-9-1-1) surcharges when a business uses the PBX or Centrex phone system. The current law does not state a formula for calculating the surcharge in this situation. This hole in the statute has led to uncertainty, ambiguity, and the threat of litigation. House Bill 5709 fixes this problem by providing a formula that benefits all interested parties. This has nothing to do with residences, only

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businesses and there's no opposition to the Bill. I'd appreciate your 'aye' vote on this matter."

Speaker Madigan: "Mr. Joe Lyons."

Lyons, J.: "Thank you, Speaker. I rise in support of this Bill, House Bill 5709. I know Mark's worked hard on this thing. It does fall in consistency with practices the City of Chicago has already been doing. And I recommend Members of my side of the aisle join Representative Beaubien in support of this Bill. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I've been involved in this matter for more years than I would care to be involved in it. I've tried for a number of years to exempt churches and public schools from the provisions of the 9-1-1 locator Bill. Now that we go to PBX/Centrex system and put it somewhat on an equal playing field, was there any discussion about trying to exempt churches and schools from the 9-1-1 locator provision of the underlying Bill?"

Lyons, J.: "No, there was not. It also covers universities and municipalities, too."

Black: "All right, this is a... this is a compromise worked out, I think, between those who have PBX systems and Centrex systems as I recall. Is that your understanding?"

Lyons, J.: "Yes, it is. Plus it stabilizes the ambiguity in the law."

Black: "Well, I don't think there's any ambiguity in the law, it's just that you used to pay for more lines for your PBX locator than what you would on a Centrex system. So as I understand it, this puts them on the same field, what is

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it, five lines? Was that the compromise?"

Lyons, J.: "Yes, it is."

Black: "Doesn't... it does not exempt any of these businesses from the utility tax system, is that correct?"

Lyons, J.: "That's correct."

Black: "All right. Thank you... 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? Has Mr. Parke voted? Has Mr. Wirsing voted? The Clerk shall take the record. On this question, there are 80 'ayes', 34 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Brunsvold. Mr. Brunsvold, House Bill 5794. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5794, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. In the area of drug arrests the Department of Natural Resources and Conservation Police Officers do make arrests in the parks. And under the present law those arrests and confiscations of money and equipment, things like that, goes right now to the State Police. And this Bill would say simply that those arrests that are made in the parks by our Conservation Police Officers would then go to the Conservation Police Officers or to the DNR for its use, instead of going to the State Police. And we've talked to the State Police and they're not opposed to this. So, I don't know of anybody that is in opposition. And I would ask for your affirmative vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion... The Chair recognizes

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Mr. Giles."

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

Speaker Madigan: "Sponsor yields."

Giles: "Representative Brunsvold, I see where this creates a special fund. Exactly how is..."

Brunsvold: "Inside the Department..."

Giles: "How is this fund created and is there a particular amount in this fund?"

Brunsvold: "The fund is created in the Department of Natural Resources. There really is... was no area in that department for funds like this to go. So, this creates... created that fund in that Department and then the money from the confiscations and... that are occurring in the parks then would go into that fund. And then disperse from that fund."

Giles: "Representative Brunsvold, is there... I mean is there a... I guess I wanna say, is there a budget or certain amount that you're looking to go in to this fund? I just have some concerns with a dollar amount..."

Brunsvold: "We... Calvin..."

Giles: "I have some legislation..."

Brunsvold: "We have no idea on the dollar amounts here. There are about... over 400 arrests in the parks in this state on drug offenses during the year. And that... we don't really know how much money that would generate. But those arrests are made by Conservation Police Officers and it was their thought that they ought to be able to use that money for Conservation Police Officer costs and department costs."

Giles: "One of the reasons I wanna know, as you know I have a piece of legislation that's trying to create a program to deal with individuals from drug abusers, alcohol abusers

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and I'm always looking for avenues of resources to help out the Department of Corrections in providing some type of a program. And I was just simply curious as to..."

Brunsvold: "I would think Calvin, that we could sit down with the DNR and talk about that."

Giles: "Okay."

Brunsvold: "I don't... I don't think that's a problem."

Giles: "Thank you. Thank you, Mr. Speaker."

Speaker Madigan: "There being no further 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? Has Mr. Parke voted? Has Mr. Cross voted? The Clerk shall 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. Biggins, House Bill 5577. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5577, a Bill for an Act concerning municipalities. Third Reading of this House Bill."

Speaker Madigan: "Mr. Biggins."

Biggins: "Well, thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 5577 which I ask for you to approve, lowers the population requirement for a municipality to enable them to build a convention center. This request is made by the Village of Lombard in DuPage County and it lowers the population requirements so that they would be able to do it. This does not involve any state funding, nor is anybody voting for this Bill voting for a tax increase. This merely removes the State Government from being a barrier to the village on its own wishes and its own merits and its own money to build a convention center in a town that size. And it also would



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apply to other towns of that size throughout the State of Illinois. It is not just for one community. I'd be happy to answer any questions that anyone may have."

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... those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Cross voted? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Burke in the chamber? Did you wish to call 5610? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "House Bill 5610, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Black, do you wish to call 3655? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3655, a Bill for an Act concerning average daily attendance. Third Reading of this House Bill."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The Committee Amendment #1 becomes the Bill that amends the School Code. This Amendment is done on behalf of the IEA with the full support of the Illinois Statewide School Management Alliance. The Amendment clarifies how you are to compute the average daily attendance for school buildings holding year-round classes. As more and more districts have identified either individual schools in their district or magnet schools that

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have a balanced or year-round calendar, there was a question of how to compute ADA, which is a very complicated formula. And this addresses that issue. I know of no opposition. I'll be glad to answer any questions you have."

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? Has Mr. Poe voted? Raymond Poe. The Clerk shall 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. Capparelli. Did you wish to call 5822? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5822, a Bill for an Act concerning bank holding companies. Third Reading of this House Bill."

Capparelli: "Thank you, Mr. Speaker. House Bill 5822 authorizes financial institutions and related entities to use an interpreter or a customer's interpreter when conducting financial transactions in a language other than English, and within the scope of the existing financial regulation. I would favor... I'd like a favorable vote."

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? Has Karen May voted? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk."

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Clerk Rossi: "The House Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Representative Coulson. Coulson. Coulson, did you wish to call 5662? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5662, a Bill for an Act concerning teacher incentive and mentoring programs. Third Reading of this House Bill."

Coulson: "Thank you. This Bill creates the Quality Teacher Incentive and Mentoring Law to provide signing bonuses to new public school teachers and grants to school districts for teacher mentoring programs. And I would urge your support."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion... The Chair recognizes Representative Slone."

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

Speaker Madigan: "Sponsor yields."

Slone: "Representative Coulson, where are we going to get the money for this?"

Coulson: "This is subject to appropriations. And I believe that with the current shortages that we have and the problem that we're having with recruiting and retaining teachers, that we have to be proactive about being... getting teachers to stay in our school systems. So, while there's no appropriation here, I think we need to start setting up positive mentoring programs and I believe it is a cost effective method. Because if you look at the turnover... turnover of teachers cost... actually cost school districts more money than it would be if they could retain the current teachers and make sure they have a mentoring program. So, I believe it's a cost effective way to help school districts."

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Slone: "And this is not allowed under current law?"

Coulson: "Not the bonus program and there are school systems, for instance, in my area that have mentoring programs, but they are... there's no statewide mentoring program or statewide assistance with mentoring programs."

Slone: "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? The Clerk shall 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. Representative Julie Curry, House Bill 3768. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3768, a Bill for an Act concerning the environment. Third Reading of this House Bill."

Curry: "Thank you, Mr. Speaker, Members of the House. House Bill 3768 is just a follow-up to legislation that we passed last year that phased out the use of the fuel additive known as MTBE. I was approached by the petroleum industry who came to me this past summer and asked me if I would amend the language to define the trace amount issue of MTBE if it's found in motor fuel. And that's what this legislation does. I know of no opposition to the Bill. And I'd appreciate your support."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, this flies in the face, I think, of the Bill you passed last year that I was very proud to support. And I... perhaps you could give me some background. I

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share your concern that I think methyl tertial butyl ethelate (sic-tertiary butyl ether) is not a good compound in our environment. And we, with your lead, said that we would not tolerate it in our gasoline storage tanks or in the usage of gasoline. And that Bill was signed into law."

Curry: "Correct."

Black: "Now, of course, California is dragging its feet on the same kind of law, which has had a detrimental impact on Illinois corn farmers. I'm just a little concerned, I don't know the background. But if we're allowing a trace amount of MTBE to now stay in our gasoline supply chain, my only fear is a trace amount this year, doubling of the trace amount next year, I mean at what point can we expect no MTBE in our field supply?"

Curry: "Well, Representative and I'll do my best to answer your questions. But even as we were introducing and passing the legislation last year and all the various groups that were involved in it; the Farm Bureau, the Corn Growers Association, the Renewable of Fuels Association and the petroleum industry when we sat down and we negotiated that phase out of MTBE, the issue of the trace amount came about. And at that time, everybody in the room knew that even if we banned MTBE and ya know, and got rid of allowing that fuel additive to be blended in motor fuel, that still the pipelines and some of the tanks and stuff that there could be a traced amount of that additive found if they tested the fuel. At the time when we discussed the legislation, both the Illinois EPA and the Department of Agriculture acknowledged that there could be, but it wouldn't be much. But after we went through this process and we passed that legislation and were to the point we are today the petroleum industry came to me and said listen we

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just want something defined in the law to define what trace amount is. And that's all that this does. I can tell you that I wouldn't be standing here today in support of this legislation had I believed that it was gonna have some detrimental impact on what we worked so hard to do for two years. It just puts in place... we don't want anyone to be in violation of the Act that we passed, but we have to realize and acknowledge that even if we ban MTBE that there's going to be some components of that additive that will still remain... small, small amounts that will remain in the pipelines."

Black: "I appreciate that answer, Representative. My concern, I guess, is I would be more comfortable if you had been able to put a sunset clause on the trace amount. At some point all trace amounts should disappear from the supply chain."

Curry: "Well..."

Black: "And there's no sunset clause."

Curry: "Well, the way I understand it, Representative Black, and again I'm not an expert on this issue, but the way I understand it is there's gonna be that natural chemical component that's always gonna be a part of that that could be detected if the gasoline or the motor fuel was analyzed. It's a natural component of the fuel and you know, they just needed that defined. I mean, we put exactly, ya know, I think it's .05% or..."

Black: "I... I do, in all sincerity, consider you to be an expert in this issue, you've certainly taken the lead. I'm having a hard time accepting the fact that MTBE is a naturally occurring component of petroleum. I don't think it is. I think it's clearly an additive that the oil companies look to, and that additive proved to be extremely harmful to the environment. You led the fight to do away with that

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additive. My concern is, that additive should eventually be flushed out of all tanks and all pipelines and I have no problem with your Bill, if you gave them a year or two years to naturally flush that additive out of the system, but this is an open end Bill. I mean, I hate to be so cynical, but then what's to prevent them from continuing to pour some of this additive, in minute amounts compared to what they were doing, into the system and say, well, we're allowed half a percent by volume, what's the big deal?"

Curry: "I think a .5% amount is a very, very minuscule amount when we're looking at this bigger picture here. And again, I don't think that the Alternative Fuels Association, the Corn Growers or any other association in the Farm Bureau that was involved so heavily in supporting legislation to ban MTBE would allow this to happen. Again, everyone acknowledged at the time that even when you ban allowing this fuel to be blended that there's still going to show up a small, small trace amounts if we tested various products. And so, this just protects some of those retailers from being fined. I don't think the EPA or the Department of Agriculture who would go out and do the testing would be out there fining them for any particular reason, but they just... the petroleum industry felt that it was necessary to do this. Everyone sat down, reviewed it, agreed that this was agreeable. You know, if we move this Bill out of the House and over to the Senate, if you feel that we need to look at it... at the sunset issue, we could do that. But I can tell you that I think that even if we did something like that there's always still gonna be a small trace amount of this additive found in testing of gasoline. I'm not sure that anything that we did even if we com... we banned it, that you're not going to find it all. But I

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think at the levels that they've been blending it at in this state and other states across this nation, we've removed that. We've removed the opportunity... a trace amount is not gonna go and pollute our water systems. And so, I'm confident that this legislation is not anything that's out of line. I certainly wouldn't be supportive of it if I felt that it any kind of detrimental impact on what we've already done."

Black: "Have you had any conversation regarding this Bill? Timing is so important. I'm just wondering if the corn growers have a fear about this advancing at this time, given the fact that California announced, what, about two weeks ago, that they were going to delay the phase out of MTBE. And it had an immediate impact on the Chicago Board of Trade on corn prices, because we were looking at hundreds of millions of bushels that would go into the ethanol production and then be shipped to California. Suddenly, California decides well, we want to wait a little while. And the only thing I'm concerned about Representative, is I don't want to send a message to California that suddenly the leading ethanol production state says, oh, a little bit of MTBE is okay. And then further encourage them to delay a decision that I was under the impression was already a fait accompli, that they in fact were going to do away with MTBE in California and begin to use an ethanol blend. And then two weeks ago, they decided well, we're gonna wait a little while."

Curry: "Well, I think the Federal Government and what they've done recently, too, is going to impact what California has decided to do. But, it's not going to change what we've done in this state. I think the petroleum industry... and we're in a different position here in Illinois because we



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are the largest producer and consumer of ethanol. It's readily available here in this state. Part of the problem out in California is being able to get that supply. They're trying to address that issue in another area. Dealing with this trace amount issue in no way allows... I mean, a trace amount is nothing. These... the petroleum guys aren't blending a trace amount in. This just deals with this issue of that this component is gonna show up in the testing, a small little trace amount. We're not talking about major... major amounts here or anything that would be again change what we've already done."

Black: "Okay. I... and I appreciate your patience and thank you very much for answering the questions. I just... Mr. Speaker, to the Bill. I think... I commend Representative Curry on what she's done in taking the leadership on this issue. My concerns however, I think are given on behalf of the grain farmers in my district that anticipate... As the Representative said we are the leading producer of ethanol. We need to get that product into the California market. And their delay certainly caused a ripple on already historically low commodity prices. I don't want to send any message to the State of California that suddenly Illinois, the leading producer of ethanol, thinks a little bit of MTBE is all right. I think MTBE has clearly been proven to be a very harmful additive to motor fuel and has already been shown clearly to have contaminated a lot of ground water supplies in the states and areas that were using it. I commend the Sponsor, I think she's probably right on this issue and perhaps we can later address a sunset clause or something. But, I just want on the record to make it very clear that the sooner we go to a renewable fuel, such as ethanol, the sooner we will not be held

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hostage by OPEC and perhaps can get a handle on these roller coaster gasoline prices that we've seen in the last year. But, I do thank the Sponsor for her patience and I certainly commend her for her leadership in this issue."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Wait voted? Has Mr. Wait voted? The Clerk shall take the record. On this question, there are 106 voting 'yes', 8 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hoeft. Is Mr. Hoeft in the chamber? House Bill 5593. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5593, a Bill for an Act concerning land. Third Reading of this House Bill."

Hoeft: "Thank you, Mr. Speaker. I guess I'm supposed to proceed. This is a Bill that's a land transference from the AID, Association of Individual Development, to P.A.D.S., that's the homeless shelter, two and a half acres of land. In 1979, the state gave to AID, 16 acres of land to build shelters. They never built shelters. They would like now transferred to P.A.D.S. a small portion of this. We need to do this through the law."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion... there being no discussion, those in favor shall vote 'yes'; those opposed shall vote 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Steve Davis. Mr. Clerk, the Bill is 4926. Read the Bill."

Clerk Rossi: "House Bill 4926, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

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Speaker Madigan: "Mr. Davis."

Davis, S.: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4926 amends the Criminal Code to provide that it's a Class 'X' felony for which 15 years may be added to the prison term by the court if someone commits aggravated criminal sexual assault and the defendant displays, threatens to use, or actually uses a dangerous weapon other than a firearm or any object that reasonably is believed by the victim to be a dangerous weapon. Currently, under Illinois statutes it is a Class 'X' felony if you use a firearm in the commission of a aggravated criminal sexual assault. And this would add the language that would... that would actually require that if you use any type of a dangerous weapon it could be deemed a Class 'X' felony. This passed out of Judiciary II-Criminal Law on an Agreed Bill List. And I don't believe there's any opposition to the Bill. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. 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? Has Mr. Kenner voted? The Clerk shall 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. Chair recognizes the Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on March 21, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' House Resolution 737, House Resolution 738; 'recommended be

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adopted' Floor Amendment #2 to House Bill 3772, House Bill 4457 and House Bill... Floor Amendment #1 to House Bill 6001. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "Chair recognizes Representative Connie Howard. Mr. Clerk, do you have a Resolution sponsored by Representative Howard?"

Clerk Rossi: "House Resolution 737 offered by Representative Connie Howard."

HOUSE RESOLUTION 737

WHEREAS, The Illinois Chapters of Alpha Kappa Alpha Sorority are sponsoring their fourth annual legislative visit to the State Capitol; and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was founded in 1908 as the first sorority established by African American college women; and

WHEREAS, Alpha Kappa Alpha is an international organization with over 200,000 undergraduate and alumnae members; and

WHEREAS, Alpha Kappa Alpha itself is an organization with a commitment to promoting education, healthy minds and bodies, family unity, economic development, political empowerment, cultural heritage, and the arts; and

WHEREAS, Alpha Kappa Alpha members who have distinguished themselves individually include: Rosa Parks, Coretta Scott King, Hazel O'Leary, Maya Angelou, Toni Morrison, Ella Fitzgerald, Phylicia Rashad, Zina Garrison, and Illinoisan Linda White, international president-elect of Alpha Kappa Alpha, Inc.; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND

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GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the members of this Body, in recognition of the achievements of the members of Alpha Kappa Alpha Sorority, Inc., and the values for which they strive, do proclaim Thursday, March 21, 2002, as the Fourth Annual Alpha Kappa Alpha Day throughout the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Linda White, international president-elect of Alpha Kappa Alpha, Inc."

Speaker Madigan: "Representative Howard."

Howard: "Thank you, Mr. Speaker. Good people, as you see the ladies in pink and green are here again. This is our Fourth Annual Alpha Kappa Alpha day. Please welcome my sorority sisters."

Speaker Madigan: "The next Bill will be House Bill 6004. If the ladies from sorority would wait just a couple of minutes, please. If you would wait just a couple of minutes for the next Bill, House Bill 6004. All right. Let's go back to the Resolution 737. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. House Bill 6004. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 6004, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to present to you House Bill 6004 to create... to authorize Secretary... the Secretary of State to create a special license plate for black fraternities and sororities. In my district, in the south suburbs, there's a lot of very powerful organizations doing some great things in our community. I'm specific... I'm speaking specifically not only of the Alpha Kappa Alpha

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sorority, but also the Alpha Phi Alpha fraternity. This organization, particularly in my neighborhood, has a very strong alumni organization, men who are professionals, doctors, lawyers, CPAs acting as mentors in our community and doing fabulous work in scholarship programs. I personally ask the members of Alpha Phi Alpha to administer two of the legislative scholarships for my district. I think this is a wonderful program and I think it will draw more attention to the wonderful work being done by these fraternities and sororities. I'm very happy to be joined in this Bill by Representatives Howard, Miller, Jones, Murphy and Turner. I would greatly appreciate your support and I'd be happy to answer any of your questions."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative Scully, do you believe or have you thought about having this kind of plate might increase racial profiling?"

Scully: "I certainly do not think so. And I think as you're driving around town first of all, every member, every person... members of these fraternities and sororities would be voluntarily giving this information to the general public. And as I've gotten to know the brothers of Alpha Phi Alpha more... more, they themselves frequently display on their own license plates their fraternity membership, as do the sisters of Alpha Kappa Alpha."

Davis, M.: "How would the fact that it's a black fraternity be identified? What would show that it's a black fraternity?"

Scully: "This license plate would be designed by the Secretary of State in coordination with these fraternities and sororities to do a proper design to proudly display their

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membership and to draw hopefully more attention to the scholarship work that they are presently doing."

Davis, M.: "I'm sorry I didn't hear the last part."

Scully: "Draw more attention to the scholarship work that they are presently performing."

Davis, M.: "To the Bill, Mr. Speaker. I will... I plan to support this. However, I do have great fear that until we pass the legislation that prohibits and prevents racial profiling in the State of Illinois we could... Thank you. Thank you. We could very well be lending another identification tool to those who practice racial profiling. Now, I urge you as the Sponsor of this legislation to be very cognizant of the fact that if people are identified, even from the back where their license plate shows that they are a member of a particular race and not just the United States of America, they could very well be putting themselves in jeopardy. And I think of those who travel to other states in which the racial profiling is even more pervasive and people have this identifying mark, will continue to cause me great concern until we have passed the racial profiling Bill. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor... Mr. Miller, are you seeking recognition? Mr. Miller."

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

Speaker Madigan: "Sponsor yields."

Miller: "A question that was asked in regards to the design of the plate was the plate having the particular fraternity or sororities Greek letters, Representative Scully, or the name black Greek letter fraternity or sorority? Do you know?"

Scully: "The Bill was drafted to ask the Secretary of State to

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design a plate that would be able to be used by all Greek... black Greek organizations, but also have the ability for them to display their own colors, not on the plate itself, but possibly on a license plate holder as is frequently done by many fraternities and sororities presently."

Miller: "Okay. Do you know of any caucasians in any of the sororities or fraternities that are... well, I should say non-African American's in any of the fraternities and sororities that you'd mentioned?"

Scully: "Mr. Miller, no organizations from non-African American fraternities and sororities have approached me, but quiet frankly, I haven't seen non-African American fraternities and sororities doing the type of scholarship work that I have seen from many of the Greek organizations... African American Greek organizations that operate within my south suburban community. And one of our goals, in terms of developing this license plate, is to draw more attention to the work being done by these organizations by men and women our age to mentor the young people growing up in our community."

Miller: "To the Bill. I stand in strong support of this legislation. As a member of Omega Si Phi fraternity Incorporated and a son of a Alpha Kappa Alpha sorority I understand the importance of Greek letter fraternities and sororities. They've had a lot of impact on my life and my brothers and sisters, in addition to many other African Americans and society as a whole, including Martin Luther King, Michael Jordan and many other professional people throughout our society. In addition, Representative Scully, that there are whites, Hispanics, and all types of races that are members of African American Greek letter



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organizations and so, although there may be some concerns in regards to racial profiling, racial profiling exists just based on the color of somebodies skin not just on license plates or what design that is. Anyway, regardless I do stand in strong support of this legislation. I think it's important, it's an important statement for our culture and our society and you have my full support."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I... this is in part directed to Representative Scully, but probably as much to other Members that have sponsored special plate legislation. I'm going to be voting 'no' and I believe that a number of my other colleagues will be as well. And truthfully with all respect it has nothing to do with the substance, with regards to black fraternities and alike. What it has to do with is the fact that we have so many license plates that are on the road today and we have started to proliferate the effort in regards to special plates for everything from our veterans to hospice to Masonic Temple and Lodges and so forth. And all of those causes are absolutely good and well. We have caused to have law in this state today that allows for a universal charitable plate. That law was passed and signed by the Governor back about four or five years ago. Today the Secretary of State's Office has the ability to promulgate rules to put into place a charitable license function so that they're... all of these wonderful, great ideas can happen and be able to have for their black fraternities ability to raise funds, draw recognition for our... as I said before the hospice and the like. As of yet, the Secretary of State's Office has not promulgated the rules. I would suggest that we should try to encourage that to

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happen. All of these plates that are causing much confusion and actually not supported by law enforcement, because of the various types of different looks that are on the road is causing confusion. Representative Scully, I commend you for your effort with regards to the underlying purpose of what you're trying to do here, but I do want to be sure that you and some of the audience in the Gallery understand why some of us will unfortunately not be able to support it. It's not the purpose, it's the idea of the continuing specialty plates that will be put on the road if these all became law. Thank you."

Speaker Madigan: "Mr. Colvin."

Colvin: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Colvin: "I rise in support of House Bill 6004 for the black fraternity license plates. African American fraternities and sororities and in this country are a sense of deep pride. It is the result of African American fraternities and sororities in this country that has seen opportunities for millions of African Americans since the year 1906 to open up the doors to education and employment. It is a sense of deep pride and commitment to an organization, to an idea of African American development. Yes, I would agree with those who oppose this, that there may be a lot of plates, but this is a plate of deep pride and commitment for individuals across the state, not just one particular group in one particular community. So, I stand in strong support of the black fraternity plates. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Bill. We've had a lot of debate on the House Floor over a number of years regarding special plates and

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how many of them we have. The truth of the matter is that some who are speaking about special plates now voted for two special plates yesterday. Let's not be picking out this one to be voting 'no' on and stating a message. So, either be 'for' them or be 'against' one, but to pick out Mr. Scully's Bill would send a really bad message that I don't think you folks wanna send. I would suggest 'aye' votes."

Speaker Madigan: "Representative Yarbrough."

Yarbrough: "To the Bill. I'm gonna... I'm going to be voting 'yes' on this Bill today. I strongly... stand in strong support for this Bill. I, too, agree with Representative Lang. People in this chamber yesterday, those couple of license plate Bills flew out of this chamber yesterday. So, what's the point, people? I urge an 'aye' vote. 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? Has Mr. Biggins voted? Has Mr. O'Connor voted? The Clerk shall take the record. On this question, there are 106 voting 'yes', 7 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Klingler. Representative Klingler. Mr. Lawfer. Mr. Lawfer. House Bill 5732. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5732, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. This legislation amends the fraudulent Act. And basically says, that fraudulent checks that for other

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purposes can be prosecuted. Just basically, just adds the words if that check is given for a rental property, either real or personal, that it also falls under the act. I'd be glad to answer any questions that anybody has in regards to this legislation."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, my apologies, I don't have a copy of the Bill. I assume that in the Bill, the language is 'knowingly writes a fraudulent check'. We're surely not going to put this offense on somebody who writes an NSF check because of a failure to keep an accurate check register or forgot to... you know, keep their account in order. I mean, I... NSF checks happen to almost all of us at sometime in our life. I don't want to see a penalty unless there's language in there that you can come back and say under due process you knowingly wrote a fraudulent check, you knew that you didn't have money, therefore this penalty will apply to you. I'd hate to see it apply to somebody, who just simply through an oversight, writes an NSF check."

Lawfer: "Thank you, Mr. Black. That... we do not change anything in the Fraudulent Act in regards to giving a... knowingly giving a bad check. That does not change. All it does was add the category of rental property, a check that's given for rental property is included. Specifically, the State's Attorney up in Jo Dav... Stevenson County is working with land owners... or the land owners' association up there is not prosecuting any fraudulent checks specifically for that, because it is not specifically mentioned in the

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legislation. If you give a bad check for buying a car, that is being prosecuted and this puts the checks for rental property on the same status that other checks that are given... knowingly given that are bad and can be prosecuted. So, it just put that up... rental property on the same level that other property already exists."

Black: "All right. So, it doesn't change the underlying statute at all, it simply adds the definition of real property. Correct?"

Lawfer: "It includes real property... rental property, either real or personal."

Black: "Okay. All right. 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? The Clerk shall 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. Delgado. House Bill 5798. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5798, a Bill for an Act in relation to criminal offenses. Third Reading of this House Bill."

Delgado: "Thank you, Mr Speaker and Members of the House. House Bill 5798 is a Bill that's very, very important to all law enforcement. When you talk about what this Bill does, it will make a use of a dangerous place to make, sell, delivery, or possesses with intent to delivery a controlled substance or cannabis a Class I felony. If a person knowingly exercises the control over a premise and intends to use that place to comb... but to commit a controlled substance or cannabis offense, that person will be presen... in presence of a controlled substance. This is

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basically a booby trap Bill that states the following; a lot of police officers, our folks in blue, go to a home where they maybe have a safe house for crack cocaine, meth labs and they're creating illegal drugs. And an officer goes to that door and many times they booby-trap that property so that when they do try to enter that officer is injured. And this is for all of those... all those heroes that make sure that we protect their safety and their families. And send a strong message to those out there that are in our communities and neighborhoods that make it dangerous for our neighbors and other residents by having these places. This is to me a very simple Bill, but a very, very important Bill in how it assists our folks in blue. I would ask for an 'aye' vote on that Bill, Mr. Speaker."

Speaker Madigan: "Mr. Wright."

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

Speaker Madigan: "Sponsor yields."

Wright: "Thank you. Representative, right now if someone's having a meth lab in a building they own, they obviously would have a criminal conviction for that offense alone, would they not?"

Delgado: "Yes."

Wright: "Okay. And do you know offhand what that offense is, or what the classification of a felony that is?"

Delgado: "Right, it's a... it would be a Class I felony."

Wright: "And then the point of adding this additional law and I certainly understand what you're trying to do and support the concept, but adding this additional law then accomplishes what beyond the prosecution of running the meth lab?"

Delgado: "It says... it helps out people in blue in understanding

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that we are protecting also their safety and making sure that when they go, that we've given 'em another tool to be able to approach that particular home or com... within that community and know that it's going serve in their interest for law enforcement."

Wright: "So, does this create new issues that would allow for a search warrant that they otherwise could not get if they were operating a meth lab?"

Delgado: "No, if they have suspicion on a meth lab and again, you can get a warrant to go in, once they arrive there and they suspect it only as a meth lab and then they approach that door this... basically, Representative Wright, this is an enhancement. Because when we approach that door, and I'm a former probation parole officer, I was trained never to knock directly, always stand to the side, 'cause you don't know what might happen. And that happened just... and so you want to maintain your safety. So, at that point, that place may be booby-trapped and you're serving a warrant. What we want to be able to do is to make sure that that's an enhanced penalty."

Wright: "And in doing so then they could be prosecuted for both crimes..."

Delgado: "Absolutely."

Wright: "... of a dangerous place and a meth lab. Would that allow for enhanced sentencing, consecutive sentences, things of that nature?"

Delgado: "Yes, it will. In addition, or also that property may be located near a school or near... within that area and that also would create enhancements."

Wright: "So, under my hypothetical the meth lab... the person operating the meth lab could get extended periods of sentencing just beyond the meth lab itself if it falls

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under a dangerous place?"

Delgado: "Right. The Bill itself doesn't address enhanced sentencing itself, but yes, it really does allow this Bill to put it in a nutshell it is going to help... it's a tool for the police officer. And just the fact that they already have already have it suspected as a meth lab when they arrive and there's been incidents of danger where they've hurt themselves trying to get in or they open a door and a board full of nails comes out and this them in the head, that will now make it a Class I felony for operating a dangerous place."

Wright: "But, they still have to prove that there was the operation of the meth lab in order to establish it's a dangerous place."

Delgado: "That's correct. Yes, that's correct."

Wright: "Thank you, Representative."

Delgado: "Thank you, Representative."

Wright: "Thank you, Mr. Speaker."

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 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Klingler. House Bill 5934. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5934, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Klingler: "Thank you very much, Mr. Speaker. This Bill provides remedies to a person who's identity has been stolen and who has suffered actual losses as a result of that identity theft. For example, if a person has had credit card



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charges run up unlawfully, had to incur expenses from lost work, lost wages, has had to have attorney's fees, they would have a cause of action to go after that person who used their credit card or used their Social Security number to run up expenses. At the present time in the identity theft law, there are only criminal penalties and fines against the person who is guilty of identity theft this gives remedies against... only against the person who has been convicted of identity theft, not against any institution. And I would ask your support."

Speaker Madigan: "The Lady moves for the passage of the Bill. 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 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Erwin. Is Representative Erwin in the chamber? Did you wish to call House Bill 4351? Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4351, a Bill for an Act regarding higher education student assistance. Third Reading of this House Bill."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. House Bill 4351 is an initiative of the Illinois Student Assistance Commission. It makes technical changes in the definition of part-time students to include students that take less than six semester hours. Three years ago we passed a very successful pilot program, which 5,000 students to date have benefited from, allowing students taking less than 6 credit hours that are in financial need to apply for the state's monetary award

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program. And we neglected to make some of the definitional changes in other parts of the statutes. I would urge your support."

Speaker Madigan: "The Lady 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? Has Mr. Giles voted? The Clerk shall 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. Representative Kosel. Kosel. House Bill 4321. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4321, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Kosel."

Kosel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4321 amends the Criminal Code in regards to offense of the financial exploitation of the elderly or persons with a disability, provides that the offense of... is a Class I felony rather than a Class II felony if the victim is over 70 years of age and the value of the property is over \$15,000 or if the victim is over 80 years of age and the amount of the theft is over \$5,000. The effective date is immediately. I would ask for your consideration of this Bill. It came out of a situation that happened in my district where we had over 40 seniors defrauded of nearly \$3.2 million in an alleged scheme and this will close a loophole that was created that could provide for the alleged offender to only have a probationary sentence. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor

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signify by voting 'yes'; those opposed by voting 'no'.  
Have all voted who wish? Have all voted who wish? Has Mr.  
Reitz voted? Has Mr... The Clerk shall 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. On the Supplemental  
Calendar #1, on the Order of Senate Bills-Second Reading  
there appears Senate Bill 1656. Mr. Forby. Mr. Clerk,  
what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1656, a Bill for an Act concerning  
hospitals. Second Reading of this Senate Bill. No  
Committee Amendments. No Floor Amendments. No Motions  
filed."

Speaker Madigan: "Third Reading. Representative Hamos. House  
Bill 4367. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4367, a Bill for an Act concerning  
dispute resolution. Third Reading of this House Bill."

Speaker Madigan: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill  
amends the Not-for-profit Dispute Resolution Center Law.  
This was a law that was created in 1978 as really among the  
first dispute resolution centers like it. It is funded  
right now from a dollar filing fee in civil actions. All  
this Bill would do is it would allow the center to also  
charge fees to people who can afford it, which is about 20%  
of the caseload. Eighty percent of the cases they handle  
are direct referrals from the court and those people would  
not be charged fees, but this Bill would allow them to  
charge fees from others who could afford to use their  
services. And I ask for your favorable support."

Speaker Madigan: "The Lady moves for the passage of the Bill.  
Those in favor signify by voting 'yes'; those opposed by

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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 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hassert. Is Mr. Hassert in the chamber? Mr. Hassert. Mr. Leitch. Is Mr. Leitch in the chamber? Mr. Marquardt. House Bill 4214. Mr. Clerk, read the Bill. Mr. Hartke in the Chair."

Clerk Rossi: "House Bill 4214, a Bill for an Act in relation to alcoholic liquor. Third Reading of this House Bill."

Speaker Hartke: "Representative Marquardt."

Marquardt: "Representative Saviano will address the Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "This is your first Bill, Roger, you want me to present your first Bill?"

Marquardt: "This is an excellent Bill, Mr. Speaker. And I would ask the House for their favorable report on this, please. It's an excellent Bill. And I would like all my friends on the other side to support it, too, please."

Speaker Hartke: "Is there any discussion on this first Bill by Representative Marquardt? Chair recognizes Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. For the information for all the Members in the House, Mr. Marquardt, I asked you in the Environment Committee what was your middle name, could you tell everybody what your middle name is?"

Marquardt: "It's Cash."

Novak: "Say that again."

Marquardt: "Cash."

Novak: "Okay."

Marquardt: "Cash is my middle name."

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Novak: "Okay. Thank you. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Novak: "Are we... I look up at the board and it says, are we selling liquor controls? What are we doing here? Or, are we privatizing liquor sales?"

Speaker Hartke: "Turn on Mr. Marquardt."

Marquardt: "... case here, Representative. This is a family-owned business for 70 years, they're trying to pass a license on to their and you know, you should be responsive of these problems."

Novak: "I agree."

Marquardt: "Oh no, this is any... any... any tavern in America, in Illinois rather with 70 years can do this. So, it's not special legislation."

Novak: "Well, what are we doing?"

Marquardt: "We're letting them pass the license on."

Novak: "We're what? Sorry, Roger, I can't hear you."

Marquardt: "We're letting them pass the license on to their children, ya know."

Novak: "I see."

Marquardt: "They're underprivileged children, ya know."

Novak: "Well, wait a minute. Are we... we're allowing a liquor license to go to children?"

Marquardt: "Yes. Yes. What's the matter with that?"

Novak: "Well, I mean are these children of legal age?"

Marquardt: "I think so, yes. They meet every requirement except for this one."

Novak: "Okay. All right. Thank you."

Marquardt: "Thank you there, Representative. I appreciate the heart, the support."

Novak: "Thank you, Cash."

Speaker Hartke: "Further discussion? Representative Marquardt to

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close."

Marquardt: "I'd ask for your favorable support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4214?' 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? Have all voted who wish? Have all voted who wish? Mr. Clerk... Have all voted who wish? Mr. Marquardt, would you like to close again? Have all voted who wish? Mr. Clerk, take the record. Mr. Black, you have a comment."

Black: "Well, Mr. Speaker, just an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "The Gentleman asked that a... an experienced, erudite, intelligent, honored, esteemed Member of this House carry this Bill for him and it was denied. The Honorable Representative Saviano was fully prepared to present the Bill. Why was he not allowed to do so at the request of Representative Roger Cash Marquardt? And his request was denied and as a result the man has been embarrassed and humiliated and I don't think that most people in this chamber have a clue what they're voting on."

Speaker Hartke: "And your point is?"

Black: "I don't think I have one. I was just trying to buy some time to see if perhaps you could... the system would crash and we'll visit this later. What's the... prior to April 1st is Postponed Consideration anything over 40 votes?"

Speaker Hartke: "Mr. Black, you've been here long enough, it takes 46 votes. 47, excuse me."

Black: "Mr. Speaker, you continually change the House rules and have kept me in the dark for years."

Speaker Hartke: "47, I stand corrected."

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Black: "I have no idea what Postponed Consideration is. That Gentleman behind you, that outstanding legal beagle constantly ties us up in knots on these rules. I would move to suspend that rule. I'm joined by absolutely nobody on my side of the aisle to ask that the Chair would rule that we could put this on Postponed Consideration until fiscal year 2004."

Speaker Hartke: "We've taken the record. On this issue, there were 43 Members voting 'yes', 64 Members voting 'no', 6 Members voting 'present'. And the Bill fails. Chair recognizes Representative Erwin."

Erwin: "Thank you, Speaker. Having voted on the prevailing side of House Bill 4214, I move for a reconsideration."

Speaker Hartke: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Erwin, I just made the Motion in writing, cause I believe according to our rules we have to file that in writing."

Speaker Hartke: "Mr. Clerk, Granberg's Motions, please. Representative has moved for immediate consideration... reconsideration in voting on the prevailing side. All those in favor signify by saying 'yes'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. And the Motion prevails. Representative Marquardt. On House Bill 4214 on a reconsideration."

Marquardt: "Yeah, can we have Representative Saviano? He's so eloquent. He wants to address this issue, I know he does."

Speaker Hartke: "Chair recognizes Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 4214 is a situation where family business is being transferred to another member of the family. And it was originally grandfathered in years ago on the 100 foot requirement or 200 feet requirement from schools or

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churches. The schools are all in favor. Everyone else is neutral. This is a long-time business establishment in this neighborhood. We've done this before for the Pompeii Bakery on Taylor Street in Little Italy. We've done this quite a few times where it's necessary for old, established businesses to remain in business as a longstanding tradition. And that's just what the Bill does. I would appreciate your support."

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

Hamos: "Question of the Sponsor."

Speaker Hartke: "Will the Sponsor yield?"

Hamos: "Who's the... whoever?"

Speaker Hartke: "Either or."

Hamos: "Okay."

Speaker Hartke: "Representative Saviano will answer."

Hamos: "Let me... let me see if I understand this because, just helping a family business is not what we do as State Legislators, necessarily. Let me see if I understand the... how tightly this Bill has in fact been crafted. So, you're saying that a license would be authorized... a liquor license would be authorized even though this particular business is not 100 feet, actually it's 98 feet. Is that correct?"

Saviano: "That is correct."

Hamos: "Okay."

Saviano: "They're not issuing the license, they're just reissuing."

Hamos: "We're just authorizing it... authorizing it. Now, does this Bill not say that the premises, if for this law to apply, the premises has to have been continuously licensed to sell alcoholic liquor for at least 50 years."



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Saviano: "That's correct."

Hamos: "And does this Bill not say that the premises have to have been located in only Chicago, really over 500,000."

Saviano: "Correct."

Hamos: "It applies to only one municipality, not to anybody else here who represents any other municipality. Correct?"

Saviano: "Correct."

Hamos: "Okay. And is it true that the licensee would have to have had three previous licenses in that location?"

Saviano: "For more than 25 years, that's correct."

Hamos: "Okay. And isn't it true that the principal of the school and the alderman have in fact agreed that this establishment... so, this is not like a problem establishment that somebody's trying to get rid of. It is in this particular case, the school and the alderman in... for this law to apply had to have approved that particular establishment. Correct?"

Saviano: "That is correct. And I appreciate the clarification."

Hamos: "And isn't it true that in this particular case the local liquor control commissioner would have to have received the written consent of a majority of the registered voters who live within 200 feet of the premises?"

Saviano: "That is correct."

Hamos: "So, there are five conditions written into this Bill that in fact give it a very narrow applicability and in fact that's why this really is not going to apply or open the door, is that correct, to many other situations like this."

Saviano: "That is correct. And with the 200 residents that also allows the local neighborhood to also give its support."

Hamos: "Okay. Well, Ladies and Gentlemen, I also ended up voting 'no' on the last one although I had read this Bill, because sometimes we get nervous about our own political futures."

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But really, I think that this Bill was thought through. It has been very carefully and narrowly drafted. And I think that I'm ready to support this with the understanding that it is going to apply in such a narrow circumstance that it will correct what is probably illegal injustice that has been perpetrated under our law. Thank you."

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

Burke: "Thank you, Mr. Speaker. Mr. Saviano will you yield for a question?"

Speaker Hartke: "He will yield."

Burke: "Representative Saviano, I think in your couple of remarks just a moment ago, you had suggested that this was for a family and you made reference to Pompeii Bakery. I don't think, and for the Members' information here, I don't think it's your intent with this legislation to just provide protection for one family. And I can say to you, as having been Deputy City Clerk of the City of Chicago for the last 23 years, the agency that issues liquor licenses in Chicago, that many, many families would be affected and benefited by this particular legislation. We're talking about a family-owned business that has existed for 50 years. That business should be able to pass on to children that is their sole source of economic income. That is their family business and currently, to be restricted by 2 feet and precluded from selling that business or generating a family's resources is criminal. I think that the Members should understand here today that this legislation has not been drafted for one family. There are thousands of individuals who over the years will indeed benefit and be protected by this Bill. Mr. Saviano, it was not your intention to introduce legislation for one family..."

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Saviano: "No, not at all. In fact, we're using J & M as an example, 'cause it was one of the more absurd examples that we saw and we want to use the situation of J & M Tap to illustrate that problem."

Burke: "Thank you. And I would again just remind the Members liquor licenses, the sale of liquor in this state is legal. There is nothing inappropriate with individuals who own liquor licenses, who own taverns. And for that family to continue to generate income to support themselves, it's important that we pass this Bill. Two feet in a zoning restriction should not preclude that family from continuing to earn an income. I would encourage all of my colleagues to reconsider those that voted contrary previous, to reconsider their vote. This is not private, one-family legislation. This is something that will indeed benefit income earners and families throughout the State of Illinois. Well, in this instance, the City of Chicago particularly. Thank you."

Speaker Madigan: "Further discussion? The Chair recognizes Representative Giles."

Giles: "Thank you, thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Hartke: "The Gentleman will yield for questions."

Giles: "Representative Saviano, in your own way, currently in this legislation this Bill will not allow new liquor license, for the record."

Saviano: "Absolutely not."

Giles: "Okay. And individuals that have existing liquor license at this time can benefit from this legislation, only the existing proprietor?"

Saviano: "If they're existing, if they're not a problem location, if they have the support of the alderman, if they have the

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support of the school, if they have the support of the majority of the registered voters who live within 200 feet, that's why we put those limitations on there to keep it as narrow as possible."

Giles: "And once again, that this legislation's not special interest, is not geared towards one family, one individual."

Saviano: "Correct."

Giles: "Thank you. Thank you, Mr. Speaker."

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

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

Speaker Hartke: "To the Bill."

Schmitz: "We've heard a lot of interesting talk about this and I can speak for myself right now that I've learned some things about this Bill, moreso than the first presentation. What I'm hoping to help sway my vote is to get something that I can go back and talk to my district about and I need a strong, strong closing argument on why we should support this Bill. And Representative Saviano's done a fine job on the... to this point and Representative Burke, as well, but I'm not quite there yet. So, I would ask that in order to help get my vote, Representative Marquardt would issue to the closing on this and help us decide once and for all how this Bill should be voted on. Thank you."

Speaker Hartke: "Chair recognizes Representative Leitch."

Leitch: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. We all, especially older communities have family-owned operations that have been there for years. And this is not special legislation, it's important to help make our law more realistic to accommodate these older communities and older businesses, older neighborhoods. And

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I'm strongly in support of this measure."

Speaker Hartke: "Further discussion? Since no one is seeking recognition Representative Marquardt for an eloquent closing."

Marquardt: "Thank you, Mr. Speaker. I appreciate all the support and this is an excellent Bill. I'll talk slow for the Representative from Batavia. But it... it is an excellent Bill and it is a family situation. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4214?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 Members voting 'yes', 43 Members voting 'no', 4 Members voting 'present'. And the House does pass House Bill 4214. And this Bill, receiving a Constitutional Majority, is hereby declared passed. House Bill 6041. Representative Leitch. Mr. Clerk, read the Bill. Excuse me, Mr. Leitch. Representative Lyons."

Lyons, J.: "Thank you, Speaker. For the purpose of an announcement and to celebrate Representative Roger Marquardt... Roger Cash Marquardt's first Bill, of course. For those of you who've been down here the last five years, I've had the privilege of being able to feed us all Harrington's corned beef sandwiches from Chicago. For those of you who don't know, yesterday morning when I went to Harrington's at 7:00 to bring down these sandwiches, unfortunately somebody left 200 sandwiches in the kitchen, not in the refrigerator. So, Kenny and Kim, of course, there is no way that you can take these down. They drove

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'em down this morning. So, Ken and Kimmy Harrington, thank you very much, for five years of feeding us in the General Assembly. Appreciate it, thank you. Lunch is..."

Speaker Hartke: "Mr. Clerk, read House Bill 6041, please."

Clerk Rossi: "House Bill 6041, a Bill for an Act in relation to health facilities. Third Reading of this House Bill."

Speaker Hartke: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker. House Bill 6041 helps some of the hospitals who would be contending with their construction plans. It provides that for reduced fees for those construction plan... fees from hospitals who are performing projects related to homeland security and disproportionate share hospitals and rural hospitals. I know of no opposition and would ask for your concurrence."

Speaker Hartke: "Is there any discussion on House Bill 6041? The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, I don't see anything in the Bill that define what would be a homeland security project. Is there a definition of such a project?"

Leitch: "I'm told that there are a series of grants that are anticipated from federal sources combined with our own homeland security efforts and that's why it is included."

Black: "But it wouldn't be so widely interpreted to mean a rehabilitation, not a rehabilitation center, but some health care facilities in the past few years have built very extensive, what I would call a health fitness facility."

Leitch: "No."

Black: "And then they go into direct competition with those in the private sector. Now, this isn't so broad as to allow

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something like that?"

Leitch: "No, not at all."

Black: "Okay. Fine. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House pass House Bill 6041?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 6041. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read the Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 702, offered by Representative Lou Jones; House Resolution 707, offered by Representative Flowers; House Resolution 708, offered by Representative Capparelli; House Resolution 709, offered by Representative Granberg; House Resolution 710, offered by Representative Granberg; House Resolution 711, offered by Representative Morrow; House Resolution 712, offered by Representative Franks; House Resolution 713, offered by Representative Granberg; House Resolution 714, offered by Representative Granberg; House Resolution 716, offered by Representative Flowers; House Resolution 717, offered by Representative Saviano; House Resolution 718, offered by Representative Burke; House Resolution 719, offered by Representative Black; House Resolution 720, offered by Representative Mautino; House Resolution 721, offered by Representative Poe; House Resolution 722, offered by Representative Hamos; House Resolution 723, offered by Representative Garrett; House Resolution 724, offered by

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Representative Dart; House Resolution 726, offered by Representative Sommer; House Resolution 727, offered by Representative Saviano; House Resolution 728, offered by Representative Younge; House Resolution 729, offered by Representative Younge; and House Resolution 738, offered by Representative Acevedo."

Speaker Hartke: "You've heard the Agreed Resolutions. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, what is the status of House Bill 4104? 4104."

Clerk Rossi: "House Bill 4104..."

Speaker Hartke: "Mr. Clerk, take that Bill out of the record. Mr. Mautino. Are you ready to do House Reso... Joint Resolution 63? Mr. Clerk, House Joint Resolution 63. Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 63 is a continuing work on the Producer Protection Act, House Bill 524, which had passed out and deals with some of the problems which are arising in agriculture today as more and more of it becomes based in contract. I'd also like to ask Representative Winters be added as Sponsor of the Resolution, as well. The sheets are being filed now. This would continue the discussions for a year. It urges the Attorney General working with the Department of Ag to set up and convene a panel which will look at some of the federal things that are going on in contracting, the changes in the Federal Law, and look at some of the contracts to see if we need to increase the education portions of what's going on in contract farming and to look and see if there are any statutory changes that are needed. Be happy to answer any



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questions. I thank many of the Members here who have helped with this issue and we look forward to continuing on."

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

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, at one time the Minority Party was more less excluded, I'm sure it was an oversight, from participation on this issue. Was that corrected in committee?"

Mautino: "Yes, it was. The Amendment added the appointments of the Agriculture Committee Minority Spokesman from both the Senate and the House, they were both actually..."

Black: "Okay."

Mautino: "... left out when the... it was drafted. Not intentional, Sir."

Black: "Thank you, I appreciate that. And I'm sure that it... that was just an oversight from day one."

Mautino: "And actually, I wanted to thank the Republican staff from the Agriculture Committee, Laura and Tim Fox from our Democratic side who have worked the past year to try and solve some of the many disagreements within the original legislation itself."

Black: "Representative, you and I talked about this yesterday, I believe and this Resolution as currently as it is before us at this time has more or less agreement of the parties to continue working on the issue, is that an accurate statement?"

Mautino: "Yes, it is."

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

Speaker Hartke: "Further discussion? Chair recognizes Representative Moffitt, the Gentleman from Knox County."

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Moffitt: "Thank you, Mr. Speaker. Question of the Sponsor."

Speaker Hartke: "The Sponsor will yield for a question."

Moffitt: "Representative, last spring you passed legislation in the House that dealt with the issue, although this I understand is for a study, is that correct? Where as your legislation last spring actually specified what would be in a producer contract."

Mautino: "Last spring's legislation 524 dealt specifically with contracts, what would be included in them and specific rights to producers to be protected under the law. This committee will look at some of those issues, but half of our House Bill 24(sic-524) is now in the National Farm Bill where we have some of those provisions in the livestock side are included in that. So, it may not require us to forward all of the 524 in future legislation."

Moffitt: "What is the status of the Bill you passed last spring on this issue?"

Mautino: "524. My best guess is it is dead in Senate Rules."

Moffitt: "If this is just a followup of trying to get input and actually the industry having lots of... I mean, will it be producers or throughout the agriculture industry having input on whatever would be drafted, is that correct?"

Mautino: "The Resolution as drafted will include... we had actually 20 groups involved with the markups on the Bills. From the producers side we've also taken in some of the... some of the concerns of the companies who do food processing, as well. They'll be included. Farmers will be included. It's pretty much the same people involved in the markup of 524 and some of the subsequent Amendments prior to it going to the Senate Floor."

Moffitt: "Okay. Thank you very much."

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

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recognition. Representative Mautino to close."

Mautino: "Thank you, Speaker Hartke, appreciate your support. And I just ask for an 'aye' vote."

Speaker Hartke: "Question is, 'Shall the House pass House Joint Resolution 63?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Joint Resolution 63. And this Resolution, having received a Constitutional Majority, is hereby declared adopted. The Chair recognizes Representative Kosel."

Kosel: "Thank you, Ladies and Gentlemen of the House. I stand on the point of personal privilege. Over the break I had the opportunity to work with Project Success and a group of high school students in a access your local government type forum where we were able to talk with the students about the House of Representatives. When we talked with them, Mary Kay O'Brien and I were both at this, along with Jack McGuire and several other people from the area. When we talked to the people... the young people we said that we were going to appear on the Internet two hours after the start of Session today and talk about the particular forum that we were able to participate in. Some of the questions that were asked by these high school students were absolutely profound and they really seemed to connect with the conversation that was going on and take an interest in what was happening here in Springfield. We were very glad to participate in that and I hope they are all watching today and say hello to them from the Capitol from the House of Representatives in Springfield. Thank you."

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Speaker Hartke: "On the same subject, Representative Mary Kay O'Brien."

O'Brien: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just as a small aside we are hoping that the students that joined us that day on March 8th in Wilmington, IL, which include Joliet Township High School, Peotone, Monee, Wilmington High School, that they are all watching today via the Internet. And it was really a wonderful experience and as Representative Kosel said, there were so many wonderful questions. There are leaders certainly amongst their midst that will be elected officials in the years to come. And it was a great experience to be able to interact with them and to hear their questions ranging from the age... obviously the age of the driver's license and the Peotone Airport, the budget crisis. They were really well-informed and we should be very proud of the work that's being done at those high schools and I want to applaud them and Project Success. And thank you for taking the time to listen today."

Speaker Hartke: "Chair recognizes Representative Acevedo for a point of personal privilege."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A little while ago we had an adopted Resolution and I wanted to get up and speak a little bit about House Resolution 738. For all of you who's reading the paper this past Monday a police... Chicago Police Officer was shot and killed in the line of duty. Officer Donny Marquez... Don Marquez was not only a Chicago police officer in a county of mine and Senator Munoz, but he also was a very good friend. We'd known each other for quiet a few years and were able to become not only friends, but family. Officer Don Marquez was a 20-year veteran for the

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Chicago Police Department. He was married for 30 years, and this was his life. He fulfilled a childhood dream of becoming a Chicago Police Officer. He grew up in The Back of the Yards Community and he saw a lot of his friends that were killed in gang slaying and gang violence. So, he decided to help protect his community as a Chicago Police Officer. He died Monday doing what he loved the most, being a Chicago Police Officer, making the City of Chicago a safer place. We come here to this chamber and we vote on Bills that sometimes ain't as important as we think and sometimes people don't pay attention and just vote 'yes' and vote 'no'. And sometimes we try to hide the fact that we... we... we differ on the issues of gun control. I ask each and everyone of you to stand beside me this coming Session, the Sessions further on, that we think about gun control. But everybody has a right to their own opinion, but when a Member of this chamber comes before me and tells me that what is a police officer doing at 10:00 at night knocking on a person's door where a 77... knocking... picking on a 77-year-old man because he has building violations, well, you know what, that police officer was doing his duty that we in this chamber gave him the authority to do, protect the citizens of the City of Chicago. So, when you come before me and tell me about a friend and a colleague of mine what is he doing knocking on their door, well, how the heck did he know that 77-year-old man was standing with two guns taking his life away and leaving his four children fatherless. We gave a police officer that authority and he died doing his job. His family is proud of him, I'm proud of him, and each and every one of us here today should be proud of him. But Ladies and Gentlemen, let me tell you something, we gotta

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set our priorities straight, granted, you might feel for this person, who shot because he's a 70-year-old (sic-77-year-old) man and he killed a police officer. You know what I say to that Member, have some courage and stand up beside me and fight for gun control. Have some courage and grow a heart, because now there's four children fatherless. He became a grandfather three weeks ago. That grandchild will never know his grandfather. So, I ask you in memory of Officer Donny Marquez, if we could please have a moment of silence for this man, because sometimes we think of the heroes as Michael Jordans and Sammy Sosas. These are the true heroes, whether you're a fireman knocking down the door saving the lives, walking into a fire or a police officer knocking on a door just serving a subpoena for building violations and being killed in the line of duty. So, I ask you, please, have a moment of silence for Officer Donny Marquez."

Speaker Hartke: "Let us all stand and have a moment of silence. Thank you very much. On House Bill 5742, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5742, a Bill for an Act concerning reverse mortgage loans. Third Reading of this House Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill says that if a mortgagor is making a reverse mortgage loan the lender or broker must inform the perspective mortgagor that the act of obtaining the reverse mortgage will render the mortgagor ineligible to obtain a tax deferral under the Senior Citizens Real Estate Tax... Real Estate Tax Deferral Act. And that the information must be provided to the perspective mortgagor by a separate document and that the perspective mortgagor must sign the

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disclosure document as part of the reverse mortgage transaction. Last year I passed a similar Bill out of committee and then Representative Mendoza was kind enough to take it on the House Floor when we have limited Bills, but it has not been passed in the Senate. We'd like to pass it again. Senior citizens have come to me, I've had two specifically that came to my office that were very, very concerned because they had gotten a reverse mortgage and then suddenly found out that they no longer had... could get the tax deferral and had to come up with the money for their taxes. The bankers and everyone last year said that this was fine and it moved out of committee and then moved to the House Floor and then moved to the Senate. We'd like to pass it again. I think this is a protection for senior citizens and AARP is with us on this Bill. I would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 5742?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And the House does pass House Bill 5742. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3783, Representative Jones. Lou Jones. Mr. Clerk, read the Bill. Representative Jones, do you care not to call that Bill? 3783. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3783, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Hartke: "Representative Jones."

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Jones, L.: "Thank you, Mr. Speaker. House Bill 3783 amends Illinois Public Aid Code. It requires the Department of Human Service to increase the TANF Grant amounts by 15% effective July 1, 2002 and to increase grant amounts on July 1, 2003 and each July 1 thereafter by an amount based on employment cost statistics compiled by the United States Department of Labor. This is an increase for people that are on public aid. Right now, a family of four receives \$377 a month. And if you remember during the Governor's budget speech, he mentioned this year that TANF increase. The amount to the state would be approximate... because it's matching a federal funds would be approximately about \$22 million. And I ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 3783?' 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 107 Members voting 'yes', 7 Members voting 'no', and 0 voting 'present'. And the House does pass House Bill 3783. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3775. Representative Kenner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3775, a Bill for an Act concerning taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5648. Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5648, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."



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Speaker Hartke: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. This Bill increases or creates a... creates an offence of criminal trespass at a nuclear facility. Up in my district, Zion has a closed nuclear facility and this is a... Bill is designed to create a penalty of criminal trespass to be a Class IV felony. The power companies are obviously in favor of this. It's a matter of security and putting a little bit more teeth behind a trespassing charge. And I ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5648?' 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... Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does pass House Bill 5648. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4357, Representative Lyons. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4357, a Bill for an Act concerning credit unions. Third Reading of this House Bill."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentleman of the House. This is a Bill initiated by the Illinois Credit Union League. Actually, it's a technical Bill that creates... that does some implications within the Credit Union Act that requires registration for foreign credit unions; creates a confidentiality provision; establishes credit union record retention periods; redefines some

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membership and removes some unnecessary Department of Financial Institution approvals. We did have some... two Amendments in the House Financial Institutions Committee on the request of the Illinois Banking Community, a couple of minor Amendments on defining what insolvency would be as well as the requirements for deadlines for applications removing the February 1st application allowing credit unions to make their annual department resolutions once a year. It also defines a low-income member to Bureau of Labor Statistics as well as limiting... of course this is a big issue for the banks on the membership definition. So, there's nobody opposed to this Bill. The Illinois Credit Union League of course is in favor of this. I think the... there are no known opponents at this time. It passed Committee 17-0 and I'd appreciate your favorable support."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 4357?' 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 92 Members voting 'yes', 18 Members voting 'no', 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, for what reason do you seek recognition?"

Black: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "I have a Page over here who can't remember who ordered the Diet Coke. Whoever ordered the Diet Coke, if you'd hold up your hand so the young man could find ya. And I'll tell you the quality of Pages have gone downhill in the

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last few years. He not only is looking for the person who ordered the Coke, he's drinking it. Where's Security when you need it. But if somebody could hold up their hand the young man probably could find ya, if you don't hold up your hand pretty soon he's gonna finish the Coke."

Speaker Hartke: "Thank you, Representative Black. House Bill 5858, Representative Poe. Mr. Clerk, read the Bill. Excuse me, Mr. Poe."

Clerk Rossi: "House Bill 5858, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. House Bill 5939, Representative May. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5939, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Hartke: "Representative May."

May: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill provides, actually, allows school districts, it encourages school districts to create and use an emergency medical form for bus drivers and emergency medical technicians for students who have special needs or disabilities. It was brought to me by a parent, actually outside the district, but in Lake County. Autistic children can be 10 years old and not communicate properly. And if there is an emergency, some of them have seizures or something... there are... this is very permissive to allow this information if the parent wishes to provide it. The school district is encouraged to do it and to keep it in a secure location so it's accessible to the bus driver and to any emergency medical technicians. This was done with the Special Education District of Lake County and the

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administrators tell me there that they were able to circumvent any possible emergencies with autistic and disabled children."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 5939?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does pass House Bill 5939. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3794, Representative Osterman. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3794, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Osterman."

Osterman: "Thank you, Mr. Speaker, Members of the House. House Bill 3794 is the same as House Bill 982 that was voted out this House unanimously last year. It amends the Vehicle Code. The Bill increases penalties for those individuals found guilty of driving without a drivers license or permit, where the offender is either too young to obtain a license or permit, never been issued a license, or the permit has expired for more than one year. It also changes the penalties from a Class C to a Class B misdemeanor for those individuals found taking a driving test for someone else. Last year in Illinois, over 45,000 individuals were cited for driving without a proper drivers license. This Bill hopes to increase the penalties to deter people from driving our roads without the proper drivers license. And

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I'd ask for an 'aye' vote. Thank you."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 3794?' 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 3794, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And House Bill 3794, having received a Constitutional Majority, is hereby declared passed. House Bill 5785, Representative McArthur (sic-McCarthy). Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5785, a Bill for an Act concerning townships. Third Reading of this House Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5785, is an initiative of the Township Officials of Illinois. We had this Bill come through the Cities & Villages Committee unopposed. It basically allows them to reduce the levy of the General Assistance Fund by ordinance and then re-up it back to the existing level by ordinance as well. Many of these townships would like to reduce this levy but they know if they reduce it, as the way the law states today, in order to just bring it back to its existing level they'd have to go back to referendum. So, that makes them very reluctant to ever reduce a levy even if there General Assistance Fund is at level where they don't even need those funds. So, they'd like to reduce the tax voluntarily to the property taxpayers of the township, as long as they know that if the need comes up where they need to go back to that existing level they can do that also by ordinance. So, the... it's basically a tax

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reducer. I think it was explained very well by the Director for the Township Officials. And, I'm very proud of the bipartisan support I have, as far as cosponsors. So, this is definitely a tax reducer. They could only go back up to the level by ordinance. If they wanna go above that level, they do have to go back to referendum. And I would appreciate your support of this."

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

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative McCarthy, if they lower this do they have to lower it in the approved time when they're presenting their budget each year, or can they lower this or change the amount and switch funds during the tax year?"

McCarthy: "Would you please restate that, they have to lower it... "

Mulligan: "Does this... when they set their levy or they put the tax on there do they have to do this at the beginning of the tax year before they pass their budget or are they allowed to do it mid-year? Because of certain procedures that you follow so that the public can scrutinize what you're doing with your budget and if they're allowed to do it at anytime and transfer the money that might not be appropriate but, if they're allowed to do it for a coming year where the budget is being proposed that's different."

McCarthy: "I'm virtually certain from the discussion in committee that it's done at the time that they approve their levy. So, that would be done at the time... "

Mulligan: "So, then it would be public... "

McCarthy: "... when the budget is done for the year, not during the course of the year. But if during the course of the

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year this fund builds up, then the following year when they're ready to set the levy the can reduce it by ordinance."

Mulligan: "They could reduce it by... they could reduce the level that they're asking for."

McCarthy: "They reduce below the maximum rate that they're allowable at that time."

Mulligan: "Well, can't they do that now? That's why I was asking... "

McCarthy: "They can do that now, but then if they want to bring it back up to that former level, if they do it at that time they have to go back to referendum. So, they're very reluctant to do that. So, but now, by this measure, they'd be able to do it and they'd even go back to their existing level in the future, they can't go above that existing level without going to referendum, but they can go back up to the existing level by ordinance. So, but right now, if they go down, if they want to even go back up half way to where they were they have to go back to referendum, so that's why none of them do it. So, they continue to levy the full rate allowable."

Mulligan: "So, this would allow them to just yearly and in timely fashion still publish what their proposed levy will be?"

McCarthy: "Yes, Ma'am."

Mulligan: "I thank you."

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

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

Speaker Hartke: "The Sponsor indicates that he will yield."

Black: "Representative, the Bill is silent and your explanation was silent. If you... if a township decides to lower the

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levy for public assistance you're not giving them the authority to spend money in that account on any other purpose, are you?"

McCarthy: "Correct. Correct."

Black: "You are?"

McCarthy: "I'm not."

Black: "You're not. Okay."

McCarthy: "You were correct, I'm saying."

Black: "All right. So, in other words, there is no... nothing in this law that would say, well, we don't... we will lower the levy, we haven't had a case but, there's a hundred thousand dollars in the account so we'll move it to a Road & Bridge Levy or we'll move it to General Operations. There's nothing in here that would allow them to do that, correct?"

McCarthy: "Correct."

Black: "All right."

McCarthy: "It would not allow for transfer of funds."

Black: "And in the Bill on line 30, page 1, you get into the language, 'if however the board has decreased the maximum tax rate under subsection (a) then it may, at any time after the decrease, increase the maximum tax rate by ordinance to a rate less than or equal to the maximum tax rate immediately prior to the board's ordinance.' Now, in other words, if they lower the... say they have a 10 cent rate and they lower it to a nickel, under this Bill they can go back to the 10 cents without a referendum, just simply by ordinance of the board, correct?"

McCarthy: "Correct. But, if they wanted to go to 11 cents then they would have to go back to referendum. If they want to go above the existing maximum rate."

Black: "All right. Would... would that increase trigger a truth



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in taxation notice? I think it probably would, and that's one of the reasons why many people have never lowered their levy. If you lower the levy and then you by ordinance go back to the original levy it triggers that, I can't remember the figure, a hundred and fifty percent of the previous levy or something. What is it? People on my side of the aisle say a hundred and five percent which a doubling of that rate would be, even though you're going back to the original rate, then I think you would trigger a truth in taxation hearing. You'd have to have the ad in the paper, a public hearing, that would be my understanding of how property tax levies are covered. I mean, I just want to make sure the townships are aware that they probably, and I think... I hope I'm trying to follow what Representative Mulligan was saying, in that they couldn't just do it at a stated meeting. They would have to have public notice, that ad in the paper, and the law in truth in taxation is very clear about the size of the ad, the size of type. Then they would have to have a hearing on that raising that rate back. I mean as long as they're aware of that. I just want to make sure that we're not skirting the truth in taxation law that's been on the books for some time."

McCarthy: "I think that's a fair warning to the townships who would take advantage of this, and I will make sure I pass that along. I don't know the exact numbers on where... where it mandates that we go in truth in taxation document."

Black: "But the bottom line, leaving it to township legal counsel to figure out their truth in taxation hearing, you can lower the rate, you cannot spend the money in the Public Assistance Fund or any other purpose in the township."

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McCarthy: "Correct."

Black: "And if you raise the rate it can only go back to its original monetary amount. If you go above the amount that it was then obviously, you have to go for a referendum, right?"

McCarthy: "Absolutely correct."

Black: "Okay. It would seem to me you've included several safeguards in the legislation, and hopefully, some townships would, in fact, lower the rate. We could certainly take some of that."

McCarthy: "I look forward to seeing them do it."

Black: "Yeah. Thank you, very much."

McCarthy: "Thank you."

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

Simpson: "To the issue, Mr. Speaker."

Speaker Hartke: "To the Bill."

Simpson: "As a currently sitting supervisor and having gone through truth in taxation hearings for every year that I've been in office, which has been five. They are no more onerous than a... the usual levy hearing. The reason that this legislation is needed is because townships in the General Assistance Fund have been keeping inordinate amounts of money that they don't necessarily need. They do it because under the current law we have to pay for catastrophic medical expenses if someone is on the General Assistance Levy. So, supervisors have been reluctant to lower their levy in the event that this would happen. This new law, I think, would help townships throughout the State of Illinois that have an overabundance of money in their General Assistance Levy and it would clear the way for them to reinstate that levy if a catastrophic event would

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happen. So, I urge you all to support this measure. Thank you."

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

Moffitt: "Thank you, Mr. Speaker. I just rise in support of this Bill. I've been down here several Sessions when we'd be talking about property tax relief and a lot of effort would be made, lot of discussion. Well, here's a Bill that's an incentive for local government to give property tax relief. It's real, it's meaningful. Under current law there's disincentive to give property tax relief, if this legislation becomes law then there's an incentive for local government to take a look at it and actually give property tax relief that many of us have talked about. I'd urge an 'aye' support. I think it's excellent legislation."

Speaker Hartke: "Representative McCarthy to close."

McCarthy: "Thank you, Mr. Speaker. And, I truly appreciate the comments, especially of Representative Simpson who's new to the Body. I think she spelled out the need for it very well along with Representative Moffitt. And, I'd appreciate your affirmative support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 5785?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 Members voting 'yes', 6 Members voting 'no', and 0 voting 'present'. And the House does pass House Bill 5785. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4335, Representative Reitz. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 4335, a Bill for an Act concerning townships. Third Reading for this House Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Also, on the order of townships, I have a Bill that would allow townships to accumulate monies for... in their road district fund and throughout their... or in their funds accumulate them provided they identify a specific purpose. It'll allow them to make large capital improvements or to buy a road grader, or truck, or building construction, are presently prohibited and capped by only being able to have twice their annual budget in their... accumulate that much. This would allow them to make some of the large capital improvements that within their road district there need be. They will have to also state within a purpose in their annual budget of exactly what they're going to do with this money, and when their going to spend it. And I'd appreciate your support and be happy to answer any questions."

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

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

Speaker Hartke: "State your inquiry."

Black: "Are we on a special order of call, order of townships?"

Speaker Hartke: "Could be."

Black: "Oh. We better... ya know, we might not get back to it, we better take this up. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "All right. Representative, I really need your help trying to understand this. I've been involved in local government for a long time. I remember a series of lawsuits in Illinois filed by the old New York Central/Penn

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Central Railroad, that wiped out what you're attempting to do. Many, many years ago when we would try to accumulate dollars in the old Road and Bridge Fund, Hard Road Fund way, way back, the Penn Central was very successful in going into court and I think there's a body of case law that says you cannot accumulate money over and above what is necessary to take care of the yearly expenses. Now, given that... given that your Bill would overcome that case law and existing law that says I can file a lawsuit if you're accumulating more than 200% of your last budget expenditure, how are you going to identify what you're doing to the taxpayer? I mean, do you set up a separate account for the specific bridge or project that you're hoping to address?"

Reitz: "Yes. That would be my understanding is that they would set up a separate account. The annual budget and appropriation ordinance in that township will state the amount, the purpose, and the duration of any accumulation of funds authorized by this section. So that... I would assume that is the case. They would have a separate account for... to purchase a road grater, and you're exactly right. And, this will allow them accumulate... and especially some of the smaller townships it's a very important Bill because they're not able to buy a truck or anything that exceeds twice their annual appropriation or... yes, twice there annual appropriation. So, they would put... they would put that money into a separate fund take it off of there appropriation ordinance but it would say exactly where that money is going to be spent."

Black: "I see that language on page 2 of the Bill, on line 6, on page 2, about accumulating money in a dedicated fund. What I don't see in the Bill is how long can you do this and how

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much money would you allow them to accumulate? I don't see any language where it specifies..."

Reitz: "It doesn't. There are no caps in this language. It basically just allows... I guess it would depend on what the size of the project that they're going... the size of the project they're going to do with these funds, it also would depend on what their appropriation is per year, what their income is. I guess, ya know, in some cases, in smaller ones, probably even to buy a road grader, it may be four or five years before they're able to do their normal maintenance on roads and other equipment that they may need and accumulate money to buy a large capital... large capital item or do a large capital project."

Black: "As I'm sure you're aware there was a series of articles sometime in the last two years that pointed out that many township funds had 3, 4, 500% of its previous years expenditures in reserve. And I know the Comptroller was asking all townships to more or less do a self audit and to reduce their levy accordingly if they had reserved funds over and above what normal practices would be. Did the Comptroller Office come to you or in committee and say anything about this Bill that would allow them to accumulate monies for a... ya know, project specific accumulation?"

Reitz: "No, the Comptroller's Office hasn't contacted me. The only... and I don't remember any opposition in committee. The only... the people said this is a move by the township organization and also the Illinois County Engineers Association, but I know of no opposition."

Speaker Hartke: "Representative Black, are you conclude?"

Black: "Yeah. Just one more question. Again, I don't see any specific language in the Bill. I'd feel a little better if

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this thing was capped by an amount or by a number of years. But I understand that isn't always possible. Is there anything in this Bill that could be construed... in the original ordinance maybe we specified a road grader which is a six figure purchase. Two years down the road we decide we really don't need a road grader, what we really need to do is to replace an old plank bridge across Great Creek with a concrete beam abutment bridge. Is that allowed or do they have to go back and revise the ordinance? Because as I understand it, they must specify a project in the ordinance. If they later change their mind do they have to go back and redraw the ordinance? And if they do, can they transfer the amount of money?"

Reitz: "I would think at least this part of this language is silent on that. And I would think they would be able to change their ordinance in some form or fashion, have there hearing as they always do for there appropriation ordinance. But I... unless there's something else within the statute that prohibits them from doing that, they could probably do what you said."

Black: "And again I don't want to create obstacles where perhaps none exist, I do think you need probably to talk to the Senate Sponsor because there's some things that I don't understand here clearly, which isn't anything new or newsworthy. But you can... if you can juggle the amount of money to projects simply by ordinance, I'm not sure that's good public policy. If you, in a public meeting, decide you're gonna build... buy a road grader, two years into this you say, ah, we don't need a road grader what we really need is to replace this bridge. And by action at a board meeting without constructive notice to your taxpayers you just transfer the amount, now you have a new project

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you still are accumulation money. Then maybe a year later you say, nah, that bridge is not number one priority, what's the number one priority is a viaduct under such and such... I just don't want to see townships getting into a situation where I go to the town meeting, I think we're going to buy a road grader, three or four years later I found out they never bought the road grater what they did was replace the viaduct, or a drainage ditch, or something else. I think this is a little bit loose in the language and that creates a problem, a potential problem, as far as I'm concerned in that if your gonna specify money the language should be more clearly stated as to whether or not you can use that money for another purpose without constructive notice, due process of the taxpayers. Maybe that's in there, maybe it's implied. But you might wanna take... you might want to talk to the TOI people and the Senate Sponsor 'cause there's some things in here that I think are just a little bit loose, 'cause you could be talking about, as you all know, 250 thousand or more dollars and that's a significant amount of money. I don't want a town board just to be able to juggle it back and forth. You know, then I lose some accountability as a member of that township. So, again, I don't want to raise an obstacle where perhaps none exists, but I... as I read this Bill there's a great deal of latitude and leeway that I'm not sure is good public policy."

Reitz: "All right. I appreciate that, and your points are well-taken. I will talk to TOI and also talk to the Senate Sponsor and get them to be a little more specific on this language."

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



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Franks: "Thank you. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates he will yield."

Franks: "Representative, I'm reading the analysis and I have a question on the valuation of the tax. Oh, there you are, Dan, I'm sorry. It says in... in townships with an assessed valuation of \$36 million or more taxes must not exceed .25% of value. What is the present amount that taxes cannot exceed for those counties?"

Reitz: "Well, I'm reading our analysis, too and I'm sorry I don't have an answer to that question to what the present one is. According to..."

Franks: "My only concern, Representative, is I don't know whether we're raising taxes by passing this innocuous..."

Reitz: "Yeah."

Franks: "... innocuous looking Bill. I'd like to know what the... what the rate is today. Can we wait to get that answer before we vote on this?"

Reitz: "We could, but it's not... the intent is not... it won't... it shouldn't... it won't raise taxes. I mean, it will not allow them to levy any more dollars at all. It will just allow them to accumulate the dollars that they have been levying for in the past."

Franks: "No, I understand..."

Reitz: "I don't know exactly... I wish I could..."

Franks: "I under..."

Reitz: "I'm trying to make sense of our analysis here, Representative."

Franks: "I understand that, but I was worried because the analysis puts a specific amount..."

Reitz: "We're trying to get an answer for ya."

Franks: "Okay."

Speaker Hartke: "Mr. Franks, are you... have you concluded?"

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Franks: "I believe the Gentleman's trying to get an answer, so I'm done with my questions until we have that answer."

Speaker Hartke: "Mr. Reitz."

Reitz: "Are there anyone which... Let's take this Bill out of the record and we'll try to get an answer and try to do it later today."

Speaker Hartke: "Mr. Clerk, take this Bill out of the record. House Bill 4455, Representative Sommer. Representative Sommer. Out of the record. House Bill 4397, Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4397, a Bill for an Act concerning municipalities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4457, Representative Watson. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4457, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Watson, has been approved for consideration."

Speaker Hartke: "Third Reading. Oh, Representative Watson on the Amendment."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The purpose of the Amendment is to... the original Bill was going to address the Service Men's Employer's Tenure Act. There was some resistance from veterans' groups, so we did not touch that. This Amendment changes the Military Code of Illinois and only discusses state active duty and it is agreed... this Amendment is agreed upon by all military veteran groups, et cetera."

Speaker Hartke: "Is there any discussion on the Amendment? The Chair recognizes Representative Bost."

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Bost: "Thank you, Mr. Speaker. Now, is this your... Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Watson: "Yes."

Bost: "Now, is this your first Floor Amendment to your first Bill?"

Watson: "That's correct."

Bost: "Just wanted to be sure of that."

Speaker Hartke: "Is there any discussion on the Amendment? Representative Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. As we sit in this chamber, hundreds of our young men and women are on active duty around the world, some in harm's way. This is no joking matter. The Amendment needs to be adopted. The Bill needs to move as quickly as possible. I suggest an 'aye' vote."

Speaker Hartke: "Further discussion? All those in favor of Floor Amendment #2 signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5728, Representative Winters."

Clerk Bolin: "House Bill 5728, a Bill for an Act to create the Local Legacy Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 5728 creates a Local Legacy Act which will help fund county and municipal partnerships for the purpose of inventorying and protecting natural areas, farmland, and cultural resources. This is coming out of the recommendations of the growth task force. I'm unaware of

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any opposition at this point. I think we have those opponents neutralized and 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 5728?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 1 person voting 'no', 0 voting 'present'. And the House does pass House Bill 5728. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative McAuliffe, for what reason do you seek recognition?"

McAuliffe: "Thank you, Mr. Speaker. Earlier my button did not work and I would have liked to have voted 'yes' on House Bill 5939."

Speaker Hartke: "The transcript will reflect your wishes on that House Bill. House Bill 4255, Representative Wojcik. Representative Kay Wojcik. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4255... 4255, the Bill's been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Representative Wojcik are you handling this Bill for Representative Burke and have signed on as a Sponsor?"

Wojcik: "Ah, yeah, Mr. Speaker, I'm the Chief Sponsor, now. Representative Burke is hyphenated."

Speaker Hartke: "We're checking on this. Hold a minute. Representative Wojcik on the Bill."

Wojcik: "Mr. Speaker, let's keep this at Second, so we can look at the Amendment."

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Speaker Hartke: "Okay. Take that Bill out of the record. House Bill 4101, Representative Miller. Representative Miller. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4101, a Bill for an Act in relation to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Miller."

Miller: "Thank you, Mr. Speaker and Members in the House. House Bill 4101 amends special education, it amends the School Code and it provides increased funding for local school districts for foster children, in orphanages and children of the state as long as those children are being provided services under the Department of Children and Family Services. Essentially, if a child is... is attending a school in one of our school districts and is receiving support services... from it the school district is receiving services, too... additional dollars, too. Once that child is adopted, those dollars going towards education are no longer provided by the state. And so, just to make sure that these children continue their services and so it has not put additional burden on the local school district, I ask for a favorable vote."

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

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

Speaker Hartke: "The Sponsor will yield."

Cross: "Representative, just... one question."

Speaker Hartke: "Shhh... Ladies and Gentlemen, it's getting a little noisy in here. Shhh... Okay. Go ahead, Mr. Cross."

Cross: "Can you tell us the cost of this Bill?"

Miller: "The fiscal note had been filed as approximately \$10 million."

Cross: "Do we have the ability to pay for this or how do you..."

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how do you... Is the money in the budget or gonna be in the budget to pay for this, Representative?"

Miller: "I don't know. You know, the point is is that... is that... you know, is that at some point we have to start setting our priorities and one of our priorities in the state should be to educate our children. And as you know, many of our foster children in the state do need additional services. And it's not fair to our local school districts who supply these services that once a child is adopted and we all can commend Jesse McDonald for increasing the number of adoptions in the State of Illinois, but a local school district shouldn't have to bear the blunt (sic-brunt) of those additional... of those educational needs of that child. Just because the child is adopted doesn't mean that their other educational special services aren't needed. And so, we're just asking that as long as those chi... those additional dollars are provided by the Department of Children and Family Services for other support services, then it should continue under their support services for education, too."

Speaker Hartke: "Mr. Cross, are you finished? Okay. The Chair recognizes Representative Mitchell, Jerry Mitchell, the Gentleman from Whiteside."

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

Speaker Hartke: "The Sponsor will yield."

Mitchell, J.: "Representative, is there any... anything in your Bill that... is there a beginning date or can school districts go back actually and check their record, time immemorial, and pick up every child that was adopted and then charge those services for special education off to the State of Illinois?"

Miller: "No. The effective date is July 1st, 2002. And so,

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children that have been adopted... who would be adopted after... after July 1st of 2002 and then those... then this legislation would apply."

Mitchell, J.: "The legislation applies... is that the effective date of the legislation?"

Miller: "Correct."

Mitchell, J.: "But that still doesn't stop a district from going back in time. It doesn't say that all children adopted after July 1st, 2002, right? That's only the inactive date of the Bill itself or the legislation itself."

Miller: "But once again, if the child... this only applies for children who are receiving funding for other services under the Department of Children and Family Services. And so, once that funding has stopped from it... so if they're receiving, I don't know, transportation or something like that, once that funding has stopped, then this would not apply."

Mitchell, J.: "Representative, is there any income guidelines for families that adopt these children?"

Miller: "Once again, this deals not with the families, it deals with the local school district. The dollars that we're discussing here deal with the funding towards the local school districts not the perennial or parents' income."

Mitchell, J.: "But once a child is legally adopted, what's the difference in his legal standing with that of any other special education child... children in the district?"

Miller: "Well, once again, I'll repeat myself. If the child is under the eligibility for other additional dollars for the Department of Children and Family Services, so they are receiving these other dollars for other services, as long as they're receiving these services, then the educational component should remain intact. For instance, once the

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child has stopped receiving those services and stopped receiving those dollars, then those dollars to the local school districts would cease."

Mitchell, J.: "The dollars that are received for a child getting special education services, do those flow from the Federal Government through IDEA?"

Miller: "I'm sorry. Could you repeat the question?"

Mitchell, J.: "I said, the dollars that the local district gets to provide these services for these children that are in a preadoptive state, are those part of the federal matching dollars that we get under the IDEA legislation which is the federal special education rules?"

Miller: "I don't know."

Mitchell, J.: "Well, in fact if they are..."

Miller: "I believe... I believe... I believe those funds come from the state."

Mitchell, J.: "They flow through the state, but some from the Federal Government."

Miller: "I don't know."

Mitchell, J.: "If in fact, if they do come from there, Representative, then those dollars are going to cease coming to the State of Illinois once the child is adopted."

Miller: "That has nothing to do with this. What it does is, once again, we're focusing on the educational component of a foster child in the State of Illinois. When a child... those children are receiving services from their local school district, which additional funds are provided by the Department of Children and Family Services, all we're saying is that when a child continues to receive those services after the adoption, which happens, that it still should be an educational component, educational component to that, going towards the local school district."



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Mitchell, J.: "Do we get more dollars for adoptive children or children in a preadoptive state than we do regular special education children through the normal special education line items which are a funded categorical?"

Miller: "I'm sorry. Repeat the question, again."

Mitchell, J.: "Do we get more dollars for a preadoptive child in a school district than we do for a regular special education child which is reimbursable as a mandated categorical through the normal procedure? School districts now get reimbursed for special education services for every child in a school district, as part of the mandated categorical. Once that child is adopted then he would... they... that school district would still receive the money for his special education services through the mandated categoricals which we allow every single school district to recoup their cost or a percentage of those costs, certainly not all of them, through the normal channels."

Miller: "I think you're... I think your question, if I'm hearing this correctly, is that will additional dollars still towards education... towards... in the local school district continue after the child is adopted. And that's what this legislation deals with. Making sure..."

Mitchell, J.: "No, it doesn't, Representative. Pardon me for interrupting. But... but in a way you may be and not purposely, but you may be allowing superintendents to have a procedure to double dip. In other words, if they're receiving individual funds for a child in a preadoptive state once he's adopted and then they could turn around and claim this as a child in a special education with those class... with those numbers then he flows through the normal mandated categoricals, so that we're actually getting funded twice for that same child. Now, I'm not..."

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I'm not familiar with the... with the reimbursement structure for adoptive children. I still had that question is... is... I guess dollars and cents wise, is it worth more to a school district as far as the amount of reimbursement for a child not to be adopted than it is after they're adopted. What's the difference in the cost?"

Miller: "No, I don't think... no, I don't believe there's anymore additional dollars in the categorical... categoricals versus what this legislation is trying to address. I think, once again, I think you're talking apples and oranges, here."

Mitchell, J.: "No, we're not talking apples and oranges. I mean, special education's special education. I mean, in all categories, under IDEA are reimbursable. That's part of what we're trying to structure right now with the funding Bill for education. We're having a difficult time trying to find how much money we can fund the categoricals at this point. Ya know, a \$25 million additional burden on the state funds that we have at this point is a pretty good size hit when we can't even fund the categoricals at a hundred percent anymore. Representative... To the Bill, Mr. Speaker. I really believe that your intentions certainly are good for those school districts, but given the amount of money that this would cost the State of Illinois at this time, I don't see how unless you have an appropriations Bill coming with this to insure that the... the money's there, I don't see how we can pass legislation that would... that would make additional, almost like a new program, on the State Board of Education at this point. I think, when economic times are better we could come back and visit this issue, but I would urge all my Members to take a look at the cost of this legislation and ask yourself, can your school districts afford to give up that

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kind of money to fund for students that are being adopted?  
I have nothing against the issue at hand or the  
Representative's legislation. I'm just very concerned  
about the cost at this point. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Mendoza: "Thank you. Representative Miller, could you say or  
would you say that this Bill is basically another incentive  
to allow people or encourage people... families to adopt  
children with special needs?"

Miller: "Well, I wouldn't say that. I think... what it does is  
it lessen the burden on the local school district or the  
local... or the school for continue... to continue to  
provide those services that these children need and not put  
a burden on that particular district. In the south  
suburbs, there've been an influx of foster children in the  
south suburbs and we're just trying to make sure that our  
district is not continuously impacted by... negatively  
impacted by the goodwill of adoption."

Mendoza: "Okay, Representative. To the Bill."

Speaker Hartke: "To the Bill."

Mendoza: "I think that in this day and age when there are  
literally thousands of children who are remaining in the  
care of the state that a Bill like this, when it's hard  
enough... it's hard enough to encourage the adoption of a  
healthy child let alone the adoption of a child with  
special disabilities or special needs, this is a good piece  
of legislation that I feel, to some extent, Representative,  
does encourage families to adopt and to take the extra step  
of adopting a child with special needs. I want to stand as

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strongly, encourage my colleagues to support this Bill. This Bill offers hope to many children that would basically otherwise be doomed to perhaps languish in our system and allows families that opportunity to not only adopt healthy children, but to also take the extra step and adopt children who need not just financial help or a home to live in, but a home who is going to love that child that much that they're going to adopt not just a healthy child but a child that needs the extra love, that needs the extra attention, that needs the extra care. And what this would cost our state, I think, is minimal in terms of what it would cost that child to stay in an institution or some other kind of nonloving or nonfamily environment. So, I just want to stand strong with Representative Miller on this and ask for your support."

Speaker Hartke: "The Chair recognizes Representative Hoeft."

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

Speaker Hartke: "The Sponsor will yield."

Hoeft: "The more I listen, the more I get confused. David, does this... Representative, does this have an increased cost to the state?"

Miller: "Yes, it does. It will... the estimated annual cost will be approximately \$10 million."

Hoeft: "What you're looking at is trying to support the local school districts that are taking on these extraordinary burdens, that's the basic core of this."

Miller: "Correct."

Hoeft: "There's a whole wide range of educational services under the 94-142 Federal Law, one of which can be as simple as speech and language pathology once a week. You include this also in this legislation, do you not? I mean, this is all children with special education needs."

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Miller: "That is correct."

Hoelt: "I think what you're looking for is the extraordinary expenses. The kid that comes in that needs \$20 thousand worth of care, an autistic child who needs a teacher aide or some... one of these really expen... these really expensive children. That's what you basically... this Bill is basically aimed at protecting the school district from that."

Miller: "Well, what it does is as long as the child is receiving services from the Department of Children and Family Services, whatever those services are, if there's an educational component because before that, you have to remember, before the child is adopted that they're receiving these funds anyway and so, toward the local school district is receiving these dollars anyway. So, all we're saying is that these would continue to receive it once the child is adopted. Just because a child is adopted doesn't mean that their emotional problems or their physical problems or their other situations just magically disappear. And so, what we're trying to say is that if they are... if the school district is receiving dollars before that, then let's continue it afterwards."

Hoelt: "I think it's a long stretch to say that a parent, when they're thinking about adoption, thinks about the fiscal condition of the school district. So, we're talking about not encouraging adoption or not, but we're talking about the fairness of the school district funding. One of the problems I have with this Bill is the fact that it stigmatizes children. The principal is going to be asked to track foster children, make sure that we put a label on foster children, and who are adopted children. The cost of the state in terms of the additional burden on school

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districts to track these children, the additional paperwork is something we gotta consider. I think it's a very good idea in terms of the theory, but in practical usage here I don't know if this is something that is gonna be more of a burden on the state or less of a burden."

Speaker Hartke: "The Chair recognizes Representative Crotty."

Crotty: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stro... I stand in strong support of this Bill. This Bill isn't about kids that are foster kids and kids that are adopted. It's about kids, kids that are in all of our school districts that are right now getting services. What this does is when a child is adopted doesn't mean that that school district no longer provides for any of these services. That child still remains in your school district. Your school district still will do an IEP and it is your district's responsibility to meet those needs. What this Bill is doing is helping every single one of our local school districts still get the funding in order to keep up those services. So, I commend the Sponsor of this Bill. And urge all of you to vote 'yes'."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in reluctant opposition to the Bill. I have great respect for the Sponsor and he is attempting to remedy a situation in his area and there's no higher calling for any of us than to try and do that when we see something that has an adverse impact on our district. However, there has been some rhetoric on this Bill that simply is trying to create a situation that does not exist. If a child is receiving services while in foster care or a ward of the state or any other category,

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under DCFS or the Board of Education, and then that child is adopted and is eligible for those services, those services continue. That's Federal Law. All this... all the current situation says is that the funding source may be transferred from the Board of Education to the Department of Children and Family Services. You can't have it both ways. You can't have funding from DCFS and then turn around and want funding for the State Board of Education for the same child when they are adopted. There's nothing in this Bill that says if that child is adopted by the richest family in Illinois that they would still receive services at taxpayer expense, not for just one year, for the entire educational career of the child. I don't quarrel with that idea. It's noble. But we have Federal Law that clearly states these people will receive educational services. What they will not receive, currently, is funding under a state agency and also funding under the State Board of Education. And I know and the Gentleman knows, the media says that we fully fund categoricals, for example, special education. We do not. We do not come close. We fund special education at the statutory rate of \$8 thousand a teacher. There is barely a school system in this state that does not subsidize, heavily subsidize, from local tax revenue services to special education children. My home district spent over \$3.8 million of their local tax revenue last year to carry out mandated special education programs. There are some things in this Bill, as well meaning as they are. The Gentleman who's sponsoring this Bill wasn't here ten years ago. Now, it's time, it's time right now for us to begin making hard and difficult votes. When the State Board of Education uses a conservative figure that says if this Bill

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passes with no other safeguards in the Bill than is currently embodied, it will cost them an additional \$10 million a year. They don't have that money. Let's not kid ourselves. Education is going to take a hit just like every other state service will take a hit. Those of us who were here ten years ago, we know what we're in store for in the next 35 to 45 days. You cannot in late March in good conscience vote for Bills that add a mandated multimillion dollar cost to the state board no matter how noble the purpose and this is a noble purpose. And in good economic times, I would join the Gentleman, certainly not stand in opposition. But you better start to vote responsibly now or you're really gonna be in a pickle the last two or three days when we're in Session in May. This budget is in total disarray. It's \$4 hundred million worse than what we were told when we were here last. I cannot in good conscience, no matter how noble the cause and purpose of the Gentleman's Bill, stand before you with a budget that is approaching 8 or 9 hundred million dollars in deficit spending that we have to address before we leave here in May or June and vote for this Bill that requires a \$10 million expenditure when I know we don't have the 10 million to put in the State Board of Education's budget. These children will not do without services. That's a red herring. I'm gonna hope that that was just simply someone talking that doesn't know how the current law works. They will continue to receive services. They should not continue to receive services from two state funding sources given the realities of this fiscal year. It's time, Ladies and Gentlemen, you're gonna have to make some very difficult votes between now and adjournment to get this budget in a shape were it will be balanced. And it will



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have to be balanced before we leave. If you wanna start spending money that we don't have and the Governor made it clear in his budget message he, will veto any Bill that costs money unless we appropriate the funds to pay for it and we don't have the money. The only responsible vote, not on the merits of the Gentleman's Bill, although I can point out and I hope I have a flaw or two in his Bill, there is no money to pay for this program. And I understand the Gentleman's district has lost money, they all lose money on special education. But this Bill will not prevent adoption, it will not slow down the adoption process and it certainly will not deny a child who is adopted adequate educational services. That is mandated by Federal Law. The bottom line is, a \$10 million cost, we know we don't have the money, we know we won't appropriate the money. We might as well start now being responsible and saying 'no' to expenditures that we cannot afford in fiscal year 2003. I urge a 'no' vote."

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

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative, in committee, I think we were unsure whether you meant that the funding would follow the student 'til the end of the year or as long as the student was in school and I think there's a big difference here. Could you answer that question for me?"

Miller: "The funding would follow the child as long as the Department of Children and Family Services were providing funding towards that child..."

Mulligan: "All right. To the Bill."

Miller: "... throughout their education."

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Mulligan: "I would respectively submit that my colleague, Representative Mendoza, misspoke as far as one part of the Bill is concerned and that Representative Miller does not understand that this money does not come from DCFS, it comes from the education budget. Subsidized adoptions will still be subsidized and paid for by DCFS no matter what happens with this Bill because that's how the state operates. And services for that child, particularly medical services, would still continue to follow a subsidized adoption through DCFS funding. The funding for this Bill would come through the Department of Education and I think the difference here what we're talking about is I could see continuing it 'til the end of the school year so you don't disturb the current budget for that child, but not for as long as the child is in school. When you have 'x' number of dollars to go with a child, those education dollars, that comes from the pot that goes to everybody's education dollars. We already are subsidizing children with many problems through DCFS through adoption. I don't think it's necessary to subsidize the funding that is covered in other areas out of the education budget in a second way and I don't believe this would have any impact on whether a foster parent or a grandparent adopts a child because they still would get that... their subsidized funding through DCFS. This is a different amount of money and I could see if the Bill was narrowed to the scope of following that child to the end of the year so that the school budget for that school year is not disturbed, that's one thing, but not to continue this on while we continue to have so many children that need to be subsidized in adoption while we're not taking them off the rolls in any way and we're adding an added burden to the state budget.

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So, although I commend the Sponsor of this Bill for what he's trying to do, I don't think it's very well-written and I think that I would be willing to support it if it were changed to follow for one year, but not forever."

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

Yarbrough: "Thank you, Mr. Speaker and Members of the House. I wanna commend the Sponsor for this important piece of legislation. I'm hearing these numbers thrown around about \$10 million expenditure and I look and I know we have a sensitive issue in terms of our budget. But when I see that we subsidize \$35 million to the horse racing industry, I wonder what's really important in this Body. I was happy that the Representative shared with me the numbers, not just in his district, but my district and other districts throughout this state. We need to address this issue. We need to address it now. And at what cost to education, try ignorance. I urge an 'aye' vote. Thank you."

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

Miller: "Thank you for the time and the... all the dialogue in regards to this Bill. There's certain issues that, I think, I listened to, that I think needs to be clarified. First off, our local school districts can't continue to absorb this cost. You know, are those... districts are already underfunded and particularly in the south suburbs and the west suburbs we have an increase of number of foster children in our area. And so, what it eventually does, it affects the child... the school districts, regardless of who pays, still provides these services and it becomes unfair to all the children in our school if these services are continued to be provided without some

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kind of supplemental income. In addition, we talk about our priorities and our values as lawmakers. Last year we talked about Sue, we talked about Boeing, we talked about McCormick, Bears expansion, all these things that we've decided to fund. This year... and that was in times of surplus. Now, this year, we're talking about balancing the budget off of working men and women, our children and our seniors. This is where the rubber meets the road. A vote against this is a vote against the children in the State of Illinois. And when you talk about adequately funding our children and adequately providing an education for our children, this is where it starts. This is what we need to do. This is what we expect in our district. I urge all the Members in the General Assembly an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4101?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72 Members voting 'yes', 34 Members voting 'no', 3 Members voting 'present'. And the House does pass House Bill 4101. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4455, Representative Sommer. Are you ready now for that Bill? Out of the record. House Bill 5851, Representative Novak. Mr. Clerk, read the Bill. Mr. Novak."

Novak: "Yes, Mr. Speaker. I think we need to hold this Bill on Second Reading."

Speaker Hartke: "Take that Bill out of the record."

Novak: "Thank you."

Speaker Hartke: "House Bill 3772, Representative Currie. Mr.

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Clerk, read the Bill."

Clerk Rossi: "House Bill 3772, a Bill for an Act concerning state lawsuit immunity. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker. The Amendment is a technical one that insures that state employees who take advantage of federal employment antidiscrimination opportunities do so in exactly the same way that currently employees of the Ford Motor Company or the City of Springfield follow."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 3772?' All those in favor signify by voting 'aye'; those 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. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3772, a Bill for an Act concerning state lawsuit immunity."

Speaker Hartke: "Okay. Take that Bill out of the record. House Bill 4457, Representative Watson. Mr. Clerk, read the Bill. Out of the record. Mr. Clerk, what is the status of House Bill 6001?"

Clerk Rossi: "House Bill 6001 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purpose of an Amendment. Mr. Clerk, read the Bill."

Clerk Rossi: "Floor Amendment #1, offered by Representative Mendoza, has been approved for consideration."

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Speaker Hartke: "Mr. Clerk, take that Bill out of the record. House Bill 5615, Representative Slone. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5615, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Chair... Mr. Speaker, Ladies and Gentlemen. House Bill 5615 is a Bill that was... that I initiated at the request of the constituent. Her son, a 16-year-old boy, was a pedestrian, he was killed by a driver who had many, many citations for driving with an uninsured vehicle. Regrettably, many of these citations do not, under current law, reach the Secretary of State's Office. And the purpose of the Bill is to make sure that these violations will follow the driver rather than the vehicle and that the penalties will be reported to the Secretary of State and compiled by the Secretary of State so that people can be appropriately penalized when they drive without insuring their vehicle. So, I would appreciate an 'aye' vote. I'd be happy 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: "The Sponsor will yield."

Parke: "I understand this Bill comes from the Secretary of State's Office? Is that true?"

Slone: "I'm sorry, Mr. Parke."

Parke: "Are you carrying this Bill for the Secretary of State?"

Speaker Hartke: "Shhh..."

Slone: "No. We... The Secretary of State has reviewed the Bill. We actually requested the Secretary... we actually are

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requesting this of the Secretary of State. We proposed this to the Secretary of State."

Parke: "Okay. And they're not in opposition?"

Slone: "They are not."

Parke: "And we're going to... so, in essence, this is somebody driving three times, caught three times without having insurance then has to show that they have the ability to provide the insurance? Is that in essence?"

Slone: "That they ha... they have to show a certificate of insurance for at least one year, yes."

Parke: "What if they don't?"

Slone: "Then there are penalties."

Parke: "What are the penalties?"

Slone: "The penalty, I believe, is a fine between \$500 and a thousand dollars."

Parke: "Is it... Do you believe that this is normally just people who are too lazy or just don't want to spend their money on insurance and so they are ignoring the requirements?"

Slone: "I think that it is very easy for them to ignore the requirements. Right now, the insurance requirement, in effect, follows the vehicle. In other words, if they fail to insure the vehicle and they get a citation, they're told to insure the vehicle. They can just get rid of the vehicle and get another car. On their... it doesn't follow the driver and therefore, the penalty doesn't necessarily get associated with the driver's driving record that's on file at the Secretary of State."

Parke: "So, they... then they're required to do both. They're both get this to show this proof... Do they have to buy a bond or something and..."

Slone: "No, but they would have to... they would have to show the certificate of insurance to the Secretary of State."

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Parke: "And then they have to buy car insurance."

Slone: "Yes. They would have to buy car insurance and show the certificate of insurance to the Secretary of State."

Parke: "Well, I think this is a good idea."

Slone: "Thank you."

Parke: "I shall support this. Thank you."

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

Black: "Thank you very much, Mr. Speaker. I rise in support of the Lady's Bill. We heard this in Transportation Committee. My only concern is that this Bill doesn't go far enough. The mandatory insurance law in this state is widely ignored and creates all kinds of problems and it certainly created a problem in Representative Slone's district. I applaud her for making the effort. I think we still have a long way to go to rid the roads of irresponsible drivers who simply refuse time and time and time again to buy the required liability insurance to drive their motor vehicle. That driving is not some inherent right guaranteed by the Bill of Rights. It is a license granted by the state and you are supposed to comply with the laws governing the operation of a motor vehicle. At some point, with the Secretary of State's help, I think we need to revisit the mandatory insurance law. And I commend the Sponsor for at least taking a step to correct an obvious problem that occurred in her district and at some point, I hope to work with her and others in this chamber to revise and strengthen the mandatory insurance law that is so widely ignored by so many drivers and if you haven't been involved in a fender bender or a collision with an uninsured driver, then you don't fully understand the frustration that you will face when that happens. And the



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Sponsor, of course, in her district, resulted in a death of one of her constituents' children, in a very tragic event and that later found out this person time and time again refused to buy insurance. It's not right. It isn't the responsible thing to do. I wish we could go further than what the Sponsor has in her Bill, but at least it's a step forward in saying, you are responsible when you... you must be responsible when you are given that license and if your responsibility includes thumbing your nose at the mandatory insurance law, then we need to take certainly more action than we have in the past. I commend the Sponsor. I intend to vote 'aye'."

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

Mulligan: "Thank you, Mr. Speaker. I agree with Representative Black. We've had a situation in my district where someone buys the insurance, gets the car, cancels the insurance and then had an automobile accident, showed proof of insurance which was really nonexistent and got away without the police officer doing anything about it. And I think there should also be a penalty for something like that. I agree with what the Lady's doing. And I would certainly support her Bill."

Speaker Hartke: "The Chair recognizes Representative Osmond."

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

Speaker Hartke: "Sponsor will yield."

Osmond: "Representative Slone, currently, I believe, in the law that if... if you are involved in a motor vehicle accident and cause property damage, then you do have to file a financial responsibility file in the SR22 form and that's after a property damage. Is that correct?"

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Slone: "To my knowledge it is, but in this case, I don't know that there was any property damage involved, only the death of this child."

Osmond: "I understand that. I'm wondering why you're waiting until they're convicted three times then of being in violation. Why would you not want to have a financial responsibility filing if they're convicted the first time of not driving without insurance?"

Slone: "I believe, this is under current law that three... the three times requirement, so we're not changing that. We're just trying to change how it gets reported to the Secretary of State, so that they know when the person has been convicted three times. In this... in the situation in my district, this person had a dozen citations that were known to the Peoria County State's Attorney, but only one that appeared on their record with the Secretary of State."

Osmond: "All right. You're saying now that the current law is that if you're convicted three or more times, you have to file a financial responsibility form?"

Slone: "I believe that's correct."

Osmond: "And then... and what is your Bill going to do?"

Slone: "My Bill is going to make sure that those three... if three of them exist, that they are reported to the Secretary of State so they know about it."

Osmond: "How does this differ than what we're currently doing?"

Slone: "These are not being reported to the Secretary of State now. In the case of... in the case of Bobby Brannon, the young man who was killed, the Sec... the Peoria County State's Attorney had any number of citations on the driver's record and the Secretary of State's record showed only one."

Osmond: "So, you just want these reported to the Secretary of

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State?"

Slone: "I want them reported to the Secretary of State..."

Osmond: "And there's no other reason."

Slone: "... and to follow the driver rather than following the vehicle, as it does now."

Osmond: "So, if this gets reported then that you've been convicted three times of driving without insurance, then what are you saying the Secretary of State will do?"

Slone: "Then you would... Then there is a penalty. There is a penalty that applies under existing law."

Osmond: "Would you then require them to get a filing then... a financial responsibility filing and pay a fine? You'd do two things with it?"

Slone: "Yes, they would be liable for the fine and they would also have to require proof of financial responsibility of insurance. Yes, both."

Osmond: "And then if they drop their insurance later on or how long would the requirement be that they maintain insurance?"

Slone: "For a year. For a year."

Osmond: "For a year and then they could drop it without penalty?"

Slone: "I don't know that the Bill speaks to that, Mr. Osmond. It requires that they show proof of insurance for a year."

Osmond: "I think the concept is great. I'd like to see you do it though after one violation and not wait 'til three. And I'd actually ask you to pull it off and amend it and then put it through with one violation."

Slone: "I certainly would not object to seeing that happen in the Senate. I would like to see the Bill go forward today, if we can. It's a little late in the process to..."

Osmond: "Fine."

Slone: "... amend it."

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Osmond: "Okay."

Slone: "I think it would be a big improvement over what we have now."

Osmond: "Thank you."

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

Slone: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. In memory of Bobby Brannon and to help his family and for all the others who have been at the mercy of uninsured drivers, I would appreciate your 'yes' votes."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 5615?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 109 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. Excuse me. 110 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 5615. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4976, Representative Smith. Out of the record. House Bill 4047, Representative Soto. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4047, a Bill for an Act in relation to stalking. Third Reading of this House Bill."

Speaker Hartke: "Representative Soto."

Soto: "Thank you, Speaker, and Members of the General Assembly. House Bill 4047 creates the offense of violating a court stalking protective order. To provide that a person may bring a civil action in a Circuit Court for a court stalking protective order against a person, that person engages on a repeated and unreasonable contact that causes fear for the person who is the stalker (sic-is being

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stalked). The stalking order is issued to protect. There is no opposition on this Bill. I ask for your favorable vote. There is no opponents, but the proponents are the Cook County State's Attorney's Office, the Illinois Coalition against Domestic Violence, and the National Organization of Women. Thank you very much."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt... Shall the House pass House Bill 4047?' 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 4047, there are 109 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4172. Representative Turner. Art Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4172, a Bill for an Act in relation to taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4055. Representative Yarbrough. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4055, a Bill for an Act concerning electronic fund transfers. Third Reading of this House Bill."

Speaker Hartke: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker and Members of the House. House Bill 4055 is a Bill that was passed out of this chamber last year, 3068, 113-1 or something. This Bill amends the Electronic Fund Transfer Act. Specifically, the Bill gives the Department of Human Services clients greater access to their benefits by prohibiting the imposition of a

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fee upon the client for the use of a LINK card. The imposition of surcharge fees to those members of our community who are least able to afford it is unconscionable. Link card users should be afforded every opportunity to access their benefits without penalty. I ask the Members for a favorable vote."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 4055?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... There's still 3 or 4 people that have not voted. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 81 Members voting 'yes', 23 Members voting 'no', 4 Members voting 'present'. And the House does pass House Bill 4055. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Younge. Wyvetter Younge. House Bill 4956. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4956, a Bill for an Act in relation to transportation. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 4956 amends the State Finance Act and the Highway Code to create the McKinley Bridge Fund in the State Treasury. The Bill authorizes the transfer of up to two million one hundred thousand dollars from the Road Fund to the McKinley Bridge Fund to pay off or reimburse up to 50% of the outstanding debt on the bridge at Venice, Illinois. The Bill provides that upon the payment are other extinguishment of all outstanding bonds, the release of all liens, and the

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payment or release of all debts and other encumbrances. The City of Venice shall convey the McKinley Bridge to the Missouri Department of Transportation and to the Illinois Department of Transportation. The Bill is an agreement between the Illinois Department of Transportation, the City of Venice, the County of Madison and Bistate Development and the Missouri Department of Transportation to eliminate the debt on the bridge and to convey it to the State of Illinois and the State of Missouri."

Speaker Hartke: "Is there any discussion? Chair recognizes the Gentleman from Whiteside, Representative Mitchell."

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Representative, I assume that IDOT has... has made sure that they have money in their budget for this particular purchase?"

Younge: "Yes. The Bill transfers from the Road Fund to the Treasury, to the McKinley Bridge Fund, the \$2 million necessary to retire half the bonds."

Mitchell, J.: "Okay. And this... and this is most of this money is raised through bondable... is really bonded money. So, it won't be impacted by the General Revenue Fund Budget?"

Younge: "That's correct."

Mitchell, J.: "Okay. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Stephens, the Gentleman from Madison. He declines recognition. Representative Younge to close."

Younge: "I move for the passage of the Bill."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4956?' All in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take the record. On this question, there are 85 Members voting 'yes', 23 Members voting 'no', 1 Member voting 'present'. And the House does pass House Bill 4956. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4328. Representative Zickus. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4328, a Bill for an Act concerning the auditor general. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5602. Representative Bellock. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5602, 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 4438. Representative Berns. Tom Berns. 4438. It's on Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4438, a Bill for an Act in relation to agriculture. Third Reading of this House Bill."

Speaker Hartke: "Representative Berns."

Berns: "Thank you, Mr. Speaker. I understand there's... gathering the file here for just a second here. I understand there's no opposition to this and it's an agency presentation. Is there any questions?"

Speaker Hartke: "Is there any discussion? Would you care to expand on that a little bit?"

Berns: "I didn't hear what..."

Speaker Hartke: "There being no... is there any question? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 4438?' All those in favor will



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signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt... does pass House Bill 4438. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5842. Mr. Brady. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5842, a Bill for an Act in relation to insurance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4471. Representative Hassert. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4471, a Bill for an Act concerning environmental protection. Third Reading of this House Bill."

Speaker Hartke: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker, Members of the General Assembly. This Bill simply amends the Underground Storage Tank Act of the EPA. It streamlines the underlying process that they're under right now for cleanup and basically, increases the payments that they can access to the fund from the LUST Fund. I'll be happy to answer any questions."

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

Lang: "Thank you. Inquiry of the Clerk, please."

Speaker Hartke: "Mr. Clerk, your question."

Lang: "I would like to know what Amendments have been adopted on this Bill?"

Clerk Bolin: "Committee Amendments 1 and 2 have been adopted to

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the Bill."

Lang: "Thank you, Mr. Clerk."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 4471?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this issue, there are 110 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does pass House Bill 4471. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Mitchell. For what reason do you seek recognition?"

Mitchell, B.: "Mr. Speaker let the records show on House Bill 4055 I was off the floor and I wish to register a 'no' vote. I would... Thank you."

Speaker Hartke: "The Journal will reflect your wishes. House Bill 3812. Representative Jones. John Jones. Mr. Jones, would you like to call House Bill 3812? Representative. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3812, a Bill for an Act concerning townships. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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

Clerk Bolin: "House Bill 4364, a Bill for an Act regarding higher education student assistance. Third Reading of this House Bill."

Speaker Hartke: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4364 is a Bill that is amended by the

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Illinois Incentive for Access grants. What this Bill... it does a couple of things. One, what it does is to increase the grant per year funding from 500 to \$750 to a student with zero expected family contribution. It also addresses for the first time a student who... who can contribute, who has a more than zero expected family income... contribution who can contribute to their education, their higher education. And over a two-year period that individual can, I believe, earn \$350. Also, what this Bill does, is that currently this applies to freshman in college at this time, this grant, and what it does by the year 2003-2004 now, indiv... a qualified sophomore would be able to partake into this grant program. One of the problems that we have had with this program, students who participate with this program, of course the rising costs of books, the rising costs of materials and fees that is associated with the... that is associated with the higher costs of educ... of higher education. It allows a student that can contribute some to be able to participate in this grant program. ISAC, the Illinois Student Assistance Commission, did a study in 1999 and reported to the General Assembly and to the Governor stating... making some recommendation, and some of the recommendations was to increase the grant amount and use a sliding scale approach to providing these award to students with what we call the EFC, the expected family contribution. This piece of legislation, of course, is a... is supported by the Illinois Community College Board, the Illinois Community College Trustee, the Illinois Student Assistance Commission. I ask a 'aye' vote and I will listen to any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Thank you. Representative, I don't have any problem with the underlying concept. I do have a problem with \$7,939,000 being spent. Where is the money gonna come from?"

Giles: "Representative, I believe just like the previous speaker that spoke about a certain piece of legislation that increased some funding for education, we know there's a budget crunch. We know that... that we're gonna all have to take a hit in a lot of areas, but education is a priority. And this is initiative that these various boards that I just mentioned believes in and I believe that if we're going to fund this particular program, we will find the resources for them."

Parke: "So, in other words, you have no funding sources. It's gonna come out of the education budget?"

Giles: "Representative, once again, we... I know personally the condition of the educational budget. But however, things change here and I hope that education is a priority. And I hope that in the final analysis we will be able to address this issue with this piece of legislation."

Parke: "Thank you. To the Bill. Ladies and Gentlemen I appreciate that we always say education is the priority, but what about poor people? What about the disabled? What about the truly needy? All of them ought to come first. But we have more needy projects than needy money and I believe that this is not the time to put a Bill in like this. We're talking almost \$8 million more of a hit on the higher education budget. I think the Sponsor makes a case as to why something like this would be a good idea. But Ladies and Gentlemen, we have lots of good ideas. I think

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it's inappropriate at this time to be putting in spending Bills when none of us know where this money is gonna come from. None of us have any idea of how fast the economy's gonna turn around. When we have a Comptroller holding \$1 billion dollars bills 'cause there's no money to pay them, I think it is not time for us to be passing this kind of legislation."

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

Erwin: "Thank you, Speaker. I rise in strong support of House Bill 4364. This is a piece of legislation, that if I'm not mistaken, a number of our Republican colleagues have also been the Sponsors of in previous years. I think we need to remember that it is subject to appropriation. As far as I know, Representative Parke, we haven't even begin to... begun to seriously negotiate the budget issues. I'm not... I certainly am sensitive to your concerns about spending, but I would argue that the only way we ensure that we have an economically viable state is to make sure that all of our citizens have access to post secondary education. So, we are talking about the students who are the neediest of needy. We're not just talking about students that qualify for the Monetary Award Program, but also for students who have zero financial contribution or zero family contribution. Therefore a student couldn't, you know... might be able to get the MAP grant, but since they can't afford transportation or books, it becomes a significant barrier to going to school. So, I do appreciate your concern about spending. My guess is at the end of the day we're gonna be arguing about many needy programs that need funding. But, I sure as heck we don't knock this out of the box now before we've even started talking about the

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budget. So, I would urge your support."

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

Giles: "Thank... Thank you, Mr. Speaker. I think the previous speaker summed it up very well. We are trying to address the need of some of the most neediest individual when it comes to post secondary education. We all know the limitations of an individual if they do not have the opportunity to have a college education and we should as a state be on the forefront of trying to provide and give an opportunity for every individual that would like to have a higher education degree, do so, especially individuals that do not have the financial resources. So, I continue to encourage you to keep this on the forefront and I ask for an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 4364?' 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 107 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And the House does pass House Bill 4364. And this Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen I have five more Bills in the order of Jerry Mitchell, Bill Mitchell, Parke, Righter, and Durkin yet to be called and then three Bills that were taken out of the record that we'll give an opportunity if they would like to run those Bills. Now, if you've not passed a Bill yesterday or today from second to third or on third, please, approach the podium and give us the number and we'll do a check on it, okay. House Bill 3713. Representative Mitchell. Mr.

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Clerk, read the Bill."

Clerk Bolin: "House Bill 3713, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5965. Representative Mitchell. Jerry Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5965, a Bill for an Act concerning health insurance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4443. Representative Parke. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4443, a Bill for an Act concerning the disclosure of certain information relating to insurance companies. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4091. Representative Righter. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4091, a Bill for an Act concerning tort immunity. Third Reading of this House Bill."

Speaker Hartke: "Mr. Righter."

Righter: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4091 would simply amend the Local Governmental Tort Immunity Act and allow for a two-year statute of limitations for all hospitals in Illinois and medical providers, including those that are termed public. Right now, in Illinois, if someone is subject to negligence and that negligence happened to have occurred by someone who's employed by a public hospital, another the public entity, there is only a one-year statute of limitations that applies. This Bill would correct an inherent

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unfairness that exists through no fault of the patient and would put everyone on a level playing field with the regards to the right to recover. I'll be happy any questions."

Speaker Hartke: "Is there... Is there any discussion on this Bill? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Bill 4091?' 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 91 Members voting 'yes', 18 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5652. Representative Durkin. Mr. Durkin. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5652, 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. Representative Colvin, for what reason do you seek recognition?"

Colvin: "Yes, Mr. Speaker. House Bill 4364, I didn't record a vote and I want to record my vote as being 'yes'."

Speaker Hartke: "The record will so reflect your wishes. Representative Mitchell, for what reason do you seek recognition?"

Mitchell, B.: "Thank... Thank you, Mr. Speaker. On House Bill 3713 which I just moved to third, I'd like to move it back to second for an Amendment."

Speaker Hartke: "Mr. Clerk, move that Bill back to Second Reading for the purpose of an Amendment..."



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Mitchell, B.: "Thank you."

Speaker Hartke: "... at the request of the Sponsor. House Bill 5649. Representative Stephens. Ron Stephens. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5649, a Bill for an Act in relation to the transmission of drug information by the Internet. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4276. Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4276, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4455. Representative Sommer would you like to call your Bill now? Representative Sommer. Out of the record. Mr. Clerk, Committee Announcements."

Clerk Bolin: "The following committees will meet today immediately following adjournment. The Higher Education Committee will meet in Room 118, the Judiciary I-Civil Law Committee will meet in Room D-1 Stratton, the Disabled Community Committee will meet in Room 114. All these committees will meet immediately following Session."

Speaker Hartke: "Allowing perfunctory time for the Clerk, Representative Curry now moves that the House stand adjourned until the hour of 10 a.m. Friday, March 22. 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. 10 a.m."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 703, offered

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by Representative Novak; House Resolution 705, offered by Representative Forby; House Resolution 706, offered by Representative O'Connor; House Resolution 715, offered by Representative Novak; House Resolution 725, offered by Representative Dart; House Joint Resolution 65, offered by Representative Flowers and House Joint Resolution 66, offered by Representative Winkel are assigned to the Rules Committee. Introduction and First Reading of Senate Bills. Senate Bill 1534, offered by Representative May, a Bill for an Act relating to education. First Reading of this Senate Bill. The House Perfunctory Session now stands adjourned."