

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

118th Legislative Day

April 11, 2002

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

Pastor Crawford: "May we pray. Most gracious and kind Father, I come humbly and sincerely before You on the behalf of these men and these women. I pray that You have blessed this august Body of men and women, and may Your blessings richly be bestowed upon them. This I pray and ask in Your Son's name. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Dart, and Shirley Jones are excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. All the Republicans are present and ready to do the business of the state."

Speaker Madigan: "The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Reitz, Chairperson from the Committee on Cities & Villages, to which the following measures were referred, action taken on Wednesday, April 10th, 2002, reported the same back with

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the following recommendations: 'do pass Short Debate' Senate Bill 1761. Representative Scully, Chairperson from the Committee on Commerce & Business Development, to which the following measures were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1649. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 1634, 1707, 1777, and 1953. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1556. 'do pass Standard Debate' Senate Bill 1683. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 1658, 1717, 1794, and 2004. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 929, 2206. Representative Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendation/s: 'be adopted'

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House Resolution 798. 'do pass Short Debate' Senate Bills 1553, 2135. Representative McGuire, Chairperson from the Committee on Tourism, to which the following measure/s was/were referred, action taken on Wednesday, April 10th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1695. Introduction of Senate Bills. Senate Bill 1571, offered by Representative Burke, a Bill for an Act in relation to water reclamation districts. Senate Bill 1930, offered by Representative Bassi, a Bill for an Act concerning local funds. First Reading of these Senate Bills."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "Yes, thank you, Mr. Speaker. Point of personal privilege. And this is a very serious matter, people, so I hope I have your attention. I just am pleased today to welcome to the gallery up here and would ask you all to give 'em a warm round of applause. These are all future Legislators of the State of Illinois. Most of whom, I hope, will end up on the Republican side of the aisle. But they are the American Government class of Glenbard North High School. Would you give 'em a round of applause. Thank you."

Speaker Madigan: "On page 2 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 1534. Representative May, do you wish to call the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1534, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Madigan: "Representative May."

May: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I guess we'd call this a good government Bill. It requires that the Auditor General instead of the State Board of

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Education does the annual audit of the regional offices of education."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Erwin."

Erwin: "Thank you, Speaker. I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Erwin: "Thank you, Speaker. I would like my colleagues to help me welcome to the State Capitol students from my district from the Latin school and Lincoln Park High School who are with us today in the gallery."

Speaker Madigan: "Senate Bill 1550. Mr. Jim Watson. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1550, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Watson."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1550 is simply a license plates Bill for veterans for motorcycles. It passed through the Senate, and I ask for your vote."

Speaker Madigan: "Mr. Franks."

Franks: "A point of personal privilege. I can wait."

Speaker Madigan: "Thank you. On the Bill, is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting

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'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Jonathan Wright voted? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 6 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Franks."

Franks: "Thank you, Speaker. I rise on a point of personal privilege to greet and ask the Body to greet the students from the Woodstock High School who are currently in the gallery. If you could stand up so we can see you and welcome you to Springfield."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'd also like to rise on a point of personal privilege and introduce the students from Main South High School who are here to participate in Capitol Forum on America's future. They're going to discuss foreign policy tomorrow on the House Floor. And these are the young people that will make an impact on our state in years to come, so we should give them a big hand."

Speaker Madigan: "On the Order of Senate Bills-Second Reading, there appears Senate Bill 1588. Mr. Bill Mitchell, do you wish to call the Bill? Mr. Bill Mitchell, do you wish to call the Bill? The Gentleman indicates he does not wish to call the Bill. Mr. Bost."

Bost: "Thank you, Mr. Speaker. On Senate Bill 1550 I was recorded as a 'no' and I meant to press my green button. I'd like to be recorded as green..."

Speaker Madigan: "Thank you, Mr. Bost. Mr. Fowler, did you wish to call House Resolution 798? Mr. Fowler. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 794, offered

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by Representative Black. House Resolution 795, offered by Representative Johnson. House Resolution 797, offered by Representative Brady. House Resolution 799, offered by Representative Daniels. House Resolution 800, offered by Representative Dart. House Resolution 801, offered by Representative Jefferson. House Resolution 802, offered by Representative Dart. And House Resolution 803, offered by Representative Dart."

Speaker Madigan: "On the question of the Agreed Resolutions, those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Hartke in the Chair."

Speaker Hartke: "Mr. Clerk, the Adjournment Resolution."

Clerk Bolin: "Senate Joint Resolution #68."

SENATE JOINT RESOLUTION NO. 68

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 11, 2002, the Senate stands adjourned until Tuesday, April 16, 2002, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, April 16, 2002, at 1:00 o'clock p.m."

Speaker Hartke: "You've heard the Adjournment Resolution. All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Adjournment Resolution is adopted. The Chair recognizes Representative Soto. For what reason do you seek recognition?"

Soto: "Thank you, Speaker. I'd like to make a point of personal privilege to the Roberto Clemente High School students waving up there. Can we wave back at them? Thank you for visiting."

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Speaker Hartke: "Welcome to the Illinois State Capitol. Mr. Black, for what reason are you seeking recognition?"

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

Speaker Hartke: "State your inquiry."

Black: "It appears that Representative Reitz is contemplating jumping off of the gallery. Is he lost or does he not know how to get back down on the floor? Could you help him out?"

Speaker Hartke: "I'm sure that he'll request help. Mr. Hoeft, do you need help, too?"

Black: "What? And Jim Meyers over here. We've got more Representatives in the gallery than we do on the floor. Can you call this place to order?"

Speaker Hartke: "I think Mr. Biggins is in the gallery, too. So, is that an unlawful meeting?"

Black: "I think if they're in the gallery it's covered under the Open Meetings Act. So, they'll have to answer for that."

Speaker Hartke: "Okay. Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 11th, 2002, reported the same back with the following recommendation/s: 'direct floor consideration' for Amendment #1 to House Resolution 798."

Speaker Hartke: "House Resolution 798. Representative Fowler."

Fowler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Hartke: "Excuse me."

Clerk Bolin: "House Resolution 798 Floor Amendment #1, offered by Representative Tenhouse, has been approved for consideration."

Speaker Hartke: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. This is a cleanup Amendment that's been agreed to by the Sponsor and we'd ask for the agreement by the General Assembly."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Resolution 798?' All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Fowler on the Resolution."

Fowler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Resolution 798 approved in committee yesterday, it strongly opposes the Department of Corrections' actions in moving inmates during the course of a legislative deliberations and opposes any closure or downsizing the Vienna Correctional Center, or Valley View Youth Center without legislative approval. Be happy to answer any questions."

Speaker Hartke: "The Chair recognizes Representative Bost."

Bost: "Thank you, Mr. Speaker. I just rise in support of the Gentleman's Resolution. The Resolution deals with the closures of our state facilities in Corrections, one in particular that affects southern Illinois. It is our belief that if we sit down and work together on this, allow the budget process to work through that we can help try to cure the problems and that's all that this Resolution does. It sends a clear message that we are in opposition to the closure of Vienna and the other facilities."

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

Johnson, T.: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."



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Johnson, T.: "Representative Fowler, I'm sorry, what did the Amendment do to this thing? Would you explain what that Amendment did?"

Fowler: "Representative Tenhouse filed the Amendment. I would defer explanation on that to him, Representative Johnson."

Johnson, T.: "'Cause that was adopted, right?"

Fowler: "Yes."

Johnson, T.: "Did it change it in any dramatic way, Representative Tenhouse? He'll explain it to me in a... I'm gonna just get off of this in a second. But I strongly support this Resolution and in fact, I'm a cosponsor. I think it's very premature to turn around and close things before we even finish the budgetary process. Valley View, I know, has received notices up there that they are going to close this thing on May 15th. And why we should be doing that when, in fact, we don't even know where the final budgets are going and ultimately, where the usages of these facilities will be in the context of overall corrections. I think this is very premature. And I strongly support this Resolution."

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

Fowler: "I think the comments that've been made very adequately explains our purpose behind this Resolution therefore, I would ask for a 'yes' vote on it."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 798?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Members will please be in their chairs. Staff will retire to the back of the chamber, for a death Resolution. Mr. Clerk, would you read House Resolution 799?"

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Clerk Bolin: "House Resolution 799."

HOUSE RESOLUTION 799

WHEREAS, Ralph Barger, the mayor and former State representative who ushered Wheaton through some of its most explosive growth, passed away on April 2, 2002; and

WHEREAS, Ralph Barger was born in Oak Park on January 24, 1923; he graduated from Glenbard West in 1941 and went into the U.S. Army Air Corps, where he served in the European theater during World War II; and

WHEREAS, Mr. Barger became mayor of Wheaton in 1971 amidst the controversial plans to build the 20-story Wheaton Center apartment buildings near the downtown train station; he went on to lead the city for 12 years as the Farnham, Briarcliff, Scottsdale, and Butterfield Ridge subdivisions, as well as an addition to the library, the city's second fire station and the new West Street commuter train station, were built; the Danada property on the city's south side was also annexed at the end of his tenure in 1982; and

WHEREAS, For his years as mayor, Mr. Barger is considered one of the best mayors in the history of Wheaton; and

WHEREAS, Mr. Barger's rise to the Illinois House of Representatives remains among the strangest political sagas to date; he lost in the 1982 Republican primary by only 77 votes, after the death of his primary opponent, Kenneth Cole was appointed to the vacancy; then Mr. Cole died, and Mr. Barger was appointed to fill that vacancy; Mr. Barger served in the House of Representatives from January 1983 until January 1990; during his tenure in the General Assembly, he served on the Committees on

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Aging, Consumer Protection, Executive, Housing, Labor, Commerce, and served as minority spokesman for the Cities and Villages Committee; and

WHEREAS, In addition to his public service, Mr. Barger operated his own business, Grafic Foto, which he operated out of his Wheaton home for 25 years; and

WHEREAS, Ralph Barger was a member of American Legion Post #76 and served on the board of directors of Dieke Center; in addition he was a Republican precinct captain and a lifetime member of the Wheaton Lions Club; and

WHEREAS, Ralph Barger was the beloved husband of Beverly Barger (nee Eaton); dear father of Ralph Hugh Barger, Susan Donahue, Barbara (Donald) Schmitt, Cynthia Neeld, and Martha Barger; loving grandfather of Jonathan and Jeffrey Barger, Katherine Barger and James Schmitt; and fond brother of Robert (Jane) Barger; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with all who knew him, the death of Ralph Barger of Wheaton, Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Ralph Barger with our sincere condolences."

Speaker Hartke: "The Chair recognizes Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I think there are not too many of us here who can say, today, that we served with Ralph the entire time that he was a Member of the House of Representatives. But I am one of those people and so I remember him for a number of very, I think, very worthy reasons. Ralph Barger was a man of strong principles. He

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believed what he believed with all his heart. And you knew that when he gave you his word you could rely on that. His wife, Beverly, was one of the most gracious, ladylike, loving people I think I've ever known. Ralph and I used to laugh about the fact that his biggest political advantage was Beverly. I did not know that he could write beautiful letters, because I had never actually received a letter from him until about two years ago when I delivered a speech at Benedictine University. And I did not know that Ralph was in the audience, but a few days later I got a letter from him reflecting on how much he had enjoyed his service here in Springfield and what it all meant to him. But most of all, that he was delighted to have an opportunity to follow what was going on among all the people he knew from his service here as time went on. And he was very, very nice to say good things about the message I had tried to convey that day at Benedictine University. Ralph Barger was my friend. His wife was my friend. And the two of them were truly an extraordinary example of friends who are also spouses of each other. I will always recall him with the greatest fondness. And I join in the sorrow that his wife Beverly must feel. Thank you, Mr. Speaker."

Speaker Hartke: "The Chair recognizes Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. Just real briefly, I, too, want to mourn the death of Ralph Barger. Ralph was Mayor of Wheaton as I was growing up. My family owns a funeral home there in Wheaton, and from my early memories I remember our mayor, and the parades. And then when he moved up to State Representative and he really was the first public servant that I ever knew. And I, too, as Representative Cowlshaw said was impressed and continued

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to be impressed with the conviction that Ralph had with what he believed in. And sometimes how he... outspoken he was about those beliefs, sometimes to the displeasure of others. And yet, Ralph believed what he believed in, wanted people to know it. And so, I respect Ralph. I also... I quote what Representative Cowlshaw said about Beverly and what a dear lady she is and what a wonderful asset or team they were together, Ralph and Beverly. So, he will be deeply missed. He had a huge impact on our area and on me personally, so I just wanted to speak and say that I will miss him."

Speaker Hartke: "The Chair recognizes Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, few of us in this chamber over history develop into the kind of world or national leaders such as Abraham Lincoln, or even as governors of the state. But it's appropriate that the House spend time mourning the loss of Ralph Barger because he truly was the salt of the earth and somebody that really made this place work because of his own personal experiences and because of his commitment to Illinois, to his hometown of Wheaton, and to his County of DuPage. Ralph really represented the best in life. He was a member of our greatest generation, a man who grew up during the Great Depression and later proudly fought for his country during World War II. He's the individual and representative of the people that we honor for protecting our freedoms. And like so many from that generation, Ralph came back to the states after the war in Europe to help build this country and to continue on with the fiber of democracy. Fortunately for the residents of Wheaton, Ralph began his tenure as Mayor of Wheaton, of that community in 1971 and helped nurture the growth of Wheaton and the

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County of DuPage for the next 12 years. During that course of time, he learned a lot and developed a love for municipal government and the principles of local government. So, after Ralph came to the Legislature in 1983 he brought with him his life experiences of tough times in the depression, fighting for his country, his belief in democracy, the development of growth in a local community, and his love of family, and his dedication to the principles that make our country great. I can attest to that expertise, for I often turned to Ralph for his guidance, his wisdom, and his clear-eyed logical approach to dealing with complex laws. And those of us that had the privilege of serving with him in the caucus, frequently would turn to him and say well, Ralph, what's this mean in the area of local government and municipal government and he always had a concise straightforward opinion as to how best to approach a problem with a solution that was good for the people back home. Now, a few of us served with Ralph but those that did will, obviously, remember him for his kindness, his fierce loyalty to his constituents, and his ability to put partisan politics aside for the good of the people. One of the things I remember, greatly, about Ralph is not only his love for his family, his family of five children, four grandchildren, but his love for Beverly who would accompany him many times and sit in the gallery with Mrs. Hensel, the wife of former Representative Don Hensel. The things we liked about it on this side of the aisle, I don't know if you've got the same privileges on the other side of the aisle, we got chocolate chip cookies. And I remember those because I, obviously, ate more than I should have at the time. You know, I did love Ralph Barger and I did respect him. And I really am grateful that we're

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able to pay homage and recognition to his memory and to thank him and his family for his service not only to his community and his family, to Illinois and yes, to America, protector of democracy. Ralph Barger, we will remember. Thank you and God bless."

Speaker Hartke: "You've heard the Gentleman's Motion, all those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 799 is adopted. Allowing perfunctory time for the Clerk... Representative Brunsvold."

Brunsvold: "Mr. Speaker, just as we went through Ralph Barger's Resolution. I served with Ralph Barger for the years he was here. And is it possible that maybe the Members that didn't know him, when we do these Resolutions is it possible to put the picture of the individual on the screen when we do that?"

Speaker Hartke: "We'll inquire to see if that's possible."

Brunsvold: "Okay. Thank you."

Speaker Hartke: "Allowing perfunctory time for the Clerk... Representative Younge."

Younge: "Mr. Speaker, here with us today in the gallery is the Southern Illinois East St. Louis Charter School. Let's welcome them to Springfield."

Speaker Hartke: "Welcome to Springfield. And with that, allowing perfunctory time for the Clerk, Representative Currie now moves that the House stand adjourned until the hour of 1 p.m. on April 16th. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. Committee Reports. Representative McGuire, Chairperson from the Committee on Aging, to which the following measure/s

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was/were referred, action taken on Thursday, April 11th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 2098. Representative Fowler, Chairperson from the Committee on Counties & Townships, to which the following measure/s was/were referred, action taken on Thursday, April 11th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 1735, 1814, 2016. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Thursday, April 11th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 1527, 1638, 1704, 1713, 1752, 2023, 2195, 2197. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs, to which the following measure/s was/were referred, action taken on Thursday, April 11th, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1583. Introduction of Resolutions. Senate Joint Resolution #63, offered by Representative Tenhouse. This Resolution is referred to the House Rules Committee. There being no further business, the House Perfunctory Session now stands adjourned."