

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

125th Legislative Day

April 30, 2002

Speaker Madigan: "The House shall come to order. Mr. Peterson, you can stay. You can stay. The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Hal Hoekstra of the Bethany Lutheran Church in Crystal Lake. Reverend Hoekstra is the guest of Representative Kurtz. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Hoekstra: "Let us pray. Dear Lord of all, by Your design our lives are a succession of single days. One day we are born. One day we shall take our leave of this planet. All we have for certain is the given day, this day, may we live it well. May we be sensitive today to those who have preceded us here, who gave their all to the succession of their days by virtue of which we are much wiser and profoundly indebted. May we be sensitive today to those for whom this day is fraught with pain, and the confusion, and uncertainty, and want, wherein it is in our power to fashion a better tomorrow for them, let that be our first order of business. May we be sensitive today, Lord, to those who have yet to see the light of day. May the world they enter be a better, far better place with lesser pain and more joy. May we be sensitive today to the lingering persistent shadow of the threat of terrorism. May something positive be added to the mix leading to a better hope for tomorrow for millions of people. Lord, the men and women in this room are ordinary people with extraordinary responsibilities. May the day, by Your grace, find them equal to the possibilities that exist. And may they have some joy in reaching for them. In the strength of Your name we pray. Amen."

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

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

125th Legislative Day

April 30, 2002

Representative Kurtz."

Kurtz - 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... First, let me make an announcement. And that is, there is a new baby in our family, Mason Jeffrey Gereaux, was born Sunday evening to State Representative Mary Kay O'Brien and her husband Tom Gereaux. He's an excellent new Democrat and he weighed in at 7 pounds, 8 ounces, 21 inches long. And for that reason, please let the record reflect, Speaker, that Representative O'Brien is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. The record needs to reflect that all of the Republicans are present. And we'll work on that new baby and see if we can't convert him to Republican."

Speaker Madigan: "Mr. Clerk, take the record. There being 112 Members responding to the Attendance Roll Call, there is a quorum present. Representative Krause."

Krause: "Thank you, Mr. Speaker, on a point of personal privilege. If I may say to the... all Members of the Illinois House, just one week from tonight, just one week from tonight, is the Conference of Women Legislators' Annual Reception. We're having this year, Tuesday, May 7th, beginning at 6:00, over at the Pasfield House and we would like each and everyone of you to come join us that evening. Thank you."

Speaker Madigan: "Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. I rise for a point... a

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

125th Legislative Day

April 30, 2002

personal point of privilege. Today we've got people from the adult education systems here in Illinois visiting with us and happen to have a group from my district. There are three instructors and seven students involved in adult education from Kishwaukee College. And how about a welcome from up here in the gallery."

Speaker Madigan: "The Chair would like to introduce a former State Representative who served in this Body, I believe in 1969 and 1970, representing the same district represented by Representative Tom Dart, today, former Representative Jim Peterson. Jim, please rise. Mr. Acevedo."

Acevedo: "Mr. Speaker, I rise on a point of personal privilege. Along with Jim Peterson is a group of students for the program of Jobs for Illinois' Graduates down here from Thomas Kelly High School and they're from Representative Susana Mendoza's area. So, help me welcome them to Springfield. They're up here in the gallery."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Madigan: "State your point."

Brunsvold: "A couple of announcements for the Body. One, tomorrow afternoon at 4, between approximately 4:00 and 6, the House softball team would like to... we're going to play a game with some of the young lobbyists out at Lincoln Park. So, I'd like all the ballplayers, if they can, to get out to Lincoln Park a little bit before 4:00, so we can do a little hitting and throwing and get ready and then we'll play... have a game out there. This, of course, if it doesn't rain but, we'll be out in Lincoln Park, same place we play the game against the Senate a week from tomorrow. And we'll be out there for a two-hour practice

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

125th Legislative Day

April 30, 2002

if we can get it in. Also, for the Democratic side of the aisle, tomorrow night from 5:00 on there'll be a steak fry for the Democrats at Petroleum Marketers. So, invite all the Democrats for that steak fry tomorrow night. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. For purpose of an announcement. I would just like to tell the Republicans that we're also going to have our steak fry. It's May 8th. I'm sure you've been notified about it. For those of you who are going to the game, you can come back and have a delicious steak. If you're not gonna go to the game, come on over early and have a wonderful time and we'll look forward to seeing all of you."

Speaker Madigan: "On page 4 of the Calendar, on the Order of Senate Bills-Second Reading there appears Senate Bill 1540. Mr. Mathias. Senate Bill 1543, Mr. Hartke. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1543, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Hartke."

Hartke: "Mr. Speaker, I... I was of the understanding that there was an Amendment going to be filed on this Bill."

Speaker Madigan: "And so, the Clerk shall read the Bill for a second time. And then leave the Bill on Second Reading."

Hartke: "That's fine. Hold it on Second Reading."

Speaker Madigan: "Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1543, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading."

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

125th Legislative Day

April 30, 2002

The Clerk for an announcement."

Clerk Bolin: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Senate Bill 1545, Mr. McCarthy. The Gentleman indicates he does not wish to call the Bill. Senate Bill 1637, Mr. Reitz. Mr. Reitz, did you wish to call 1637? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1637, a Bill for an Act concerning telephone solicitations. Amendments 1 and 2 have been adopted to the Bill in committee. No Floor Amendments have been approved for consideration. No Motions filed. Second Reading of this House (sic-Senate) Bill."

Speaker Madigan: "Mr. Clerk, one more time on Floor Amendments."

Clerk Bolin: "No Floor Amendments have been approved for consideration."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Senate Bill 1657, Mr. Hoffman. Is Mr. Hoffman in the chamber? The Gentleman indicates he does not wish to move the Bill. Senate Bill 1777, Mr. Jerry Mitchell. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1777, a Bill for an Act in relation to teacher certification. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1795, Representative Lou Jones. Is Lou Jones in the chamber? Senate Bill 1859, Mr. Poe. Is Mr. Poe in the chamber? Senate Bill 1880, Mr. Holbrook. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1880, a Bill for an Act in relation to

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

125th Legislative Day

April 30, 2002

vehicles. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1940, Representative Bassi. Representative Bassi. Senate Bill 1934, Mr. Hoffman. 1934. Okay. Leave the Bill on the Order of Second Reading. Senate Bill 1932, Representative Joe Lyons. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1932, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in subcommittee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House (sic-Senate) Bill 1936, Mr. Bost. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1936, a Bill for an Act in relation to firearms. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 1949, Mr. Hultgren. 1949. The Gentleman indicates he does not wish to call the Bill. Senate Bill 1982, Mr. Reitz. Mr. Reitz. Mr. Reitz, 1982. The Gentleman indicates he does not wish to call the Bill. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following measures were referred, action taken on April 30th, 2002, reported the same back with the following recommendations: 'direct floor consideration' for House Amendment #2 to Senate Bill 1798, Amendment #1 to Senate Bill 1934, Amendment #3 to Senate Bill 2067, and Amendment #3 to Senate Bill 2235."

Speaker Madigan: "Senate Bill 2132, Representative O'Brien. Mr.

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

125th Legislative Day

April 30, 2002

McGuire, do you wish to move this Bill for Representative O'Brien? 2132. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 2132, a Bill for an Act in relation to vehicles. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 2204, Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair. On the last Bill you call under the sponsorship of Representative O'Brien. It was my understanding in Transportation Committee that she intended to hold that Bill on Second until she had an Amendment that was discussed in Transportation Committee. If I'm wrong, I stand corrected, but that was my understanding."

Speaker Madigan: "Mr. McGuire. Mr. McGuire."

McGuire: "Representative Black is right and that's why I put my light on. That the last time we talked about this we have an Amendment coming. So, I would ask that you hold the Bill, put it back to Second, Sir."

Speaker Madigan: "Mr. Clerk, put Senate Bill 2132 on the Order of Second Reading. Senate Bill 2204, Mr. Stephens. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 2204, a Bill for an Act concerning higher education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Senate Bill 2214, Mr. Hassert. The Gentleman indicates he does not wish to call the Bill. Senate Bill 2241, Mr. Schoenberg. Mr. Schoenberg. Mr. Schoenberg. 2241. The Gentleman indicates he does not wish to call the Bill. Mr. Hoffman. Mr. Hoffman on Senate

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

125th Legislative Day

April 30, 2002

Bill 1934, the Rules Committee has approved an Amendment for consideration, Amendment #1. Mr. Clerk, what is the status of Senate Bill 1934?"

Clerk Bolin: "Senate Bill 1934, a Bill for an Act in relation to civil procedure. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Yes, this is a merely a technical Amendment that would change the days from five to seven, the amount of notice that an unknown occupant would get in order to be brought to court."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments?"

Speaker Madigan: "Third Reading. Mr. Schoenberg. Mr. Schoenberg. Senate Bill 2067, the Rules Committee has approved for consideration Amendment #3. Do you wish to consider that? Mr. Clerk, what is the status of Senate Bill 2067?"

Clerk Bolin: "Senate Bill 2067, a Bill for an Act in relation to highways. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #3 is a technical cleanup correction that fulfills an obligation that was made to... in committee. Essentially, it correctly renumbers the



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

125th Legislative Day

April 30, 2002

lines on the Amendments. There's no opposition. This is an agreement with the other side of the aisle. And I urge its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. There being no discussion, the question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments. Several notes have been requested on the Bill as amended and the notes have not yet been filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. Senate Bill 2235. Is Mr. Morrow in the chamber? Mr. Morrow. Then Representative Krause on Senate Bill 1798. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "Senate Bill 1798, a Bill for an Act concerning hospitals. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Krause, has been approved for consideration."

Speaker Madigan: "Representative Krause."

Krause: "Thank you, Mr. Speaker. On Amendment #2, if I could just basically say that the underlining (sic-underlying) Bill provides that no exclusive contract can be permitted for pain management services performed by a physician licensed to practice medicine and a physician applicant to a hospital staff must meet the criteria. Amendment #2 does two things: it provides that the prohibition on exclusive contracts apply only into contracts entered into or renewed after the effective date of this. And it also then provides that the credentials that it provided could be by the bylaws would now be stated the credentialing criteria."

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

125th Legislative Day

April 30, 2002

That is what is contained in Amendment #2."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I understand that the hospital association has a problem with the underlying Bill. Does Amendment 2 make it more acceptable? What is the overall relationship with this Amendment to the position of the hospital association?"

Krause: "Representative I do not believe it does. I believe that because it would still affect an exclusive contract, I believe they would still oppose the underlining (sic-underlying) Bill."

Parke: "Does this Amendment make it any more palatable, or possible, or feasible than it is now? If not, review it one more time."

Krause: "I do not believe it does."

Parke: "And tell me again... I'm trying to understand what the Amendment does, but tell us again."

Krause: "The Amendment makes it clear that any changes to an exclusive contract would apply only to contracts entered into after the effective date of the legislation. And then secondly, it defines that the criteria that would have to be met to meet as a pain management specialist would be the criteria... in the credentialing criteria."

Parke: "Who does this Amendment benefit then, Representative?"

Krause: "The Amendment way... answers a question that was raised in the committee to be sure that it only applied prospectively on contracts and then secondly, to make it clearer that some medical staffs do not have bylaws which

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

125th Legislative Day

April 30, 2002

we had in the underlining (sic-underlying) Bill so that it would read that it would be the hospitals' credentialing criteria."

Parke: "Thank you, Representative."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. Rutherford. The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments?"

Speaker Madigan: "Put the Bill on the Order of Third Reading. Representative Lou Jones. There's a Senate Bill 1795, an Act in relation to vehicles. Did you wish to move the Bill? Representative Jones."

Jones, L.: "Thank you, Mr. Speaker. There is an Amendment that... Agreed Amendment that's been filed and I will let Representative Simpson explain that."

Speaker Madigan: "Yeah. Mr. Clerk, is there an Amendment approved for consideration?"

Clerk Bolin: "Senate Bill 1795, a Bill for an Act in relation to vehicles. No Committee Amendments. Floor Amendment #1, offered by Representative Simpson, has been approved for consideration."

Speaker Madigan: "Representative Simpson."

Simpson: "Thank you, Mr. Speaker. Amendment #1 is an addition to the Bill to allow the exemption of \*Nextel\* phones that are used, owned, and operated by school districts. It recognizes the emerging technology that many school districts are availing themselves of which allows \*Nextel\* phone usage. They use a two-way radio. So, that's what the Amendment is. I'll be happy to answer any questions."

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

125th Legislative Day

April 30, 2002

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Senate Bill 1666. Mr. Biggins. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1666, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. Inquiry... I have a Floor Amendment that's in the Rules Committee and would like to get added on to this Bill. It's been approved by all parties that are involved in both the original Bill and the Amendment. Maybe we could look into that, Sir. Do you have a suggestion?"

Speaker Madigan: "Mr. Biggins, I'm advised that the Amendment has been approved but not on a formal basis by the committee, but it shall be forthcoming."

Biggins: "Well, thank you. I'll enjoy waiting for that."

Speaker Madigan: "Thank you. Thank you. Mr. Hartke in the Chair."

Speaker Hartke: "Senate Bill 1697, Representative Beaubien. Representative Beaubien. Out of the record. Senate Bill 1930, Representative Bassi. Representative Bassi."

Bassi: "Thank you, Mr. Speaker. I move to table Amendment 2 to House... or to Senate Bill 1930, please. Table Amendment #2. Is it out of Rules?"

Speaker Hartke: "Representative Bassi, would you come to the

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

125th Legislative Day

April 30, 2002

Clerk's well."

Bassi: "Yes."

Speaker Hartke: "Take that Bill out of the record. Representative Mathias, Senate Bill 1540. Out of the record. The Chair recognizes Representative Brady. For what reason do you seek recognition?"

Brady: "Thank you, Mr. Speaker. For a point of personal privilege."

Speaker Hartke: "State your point."

Brady: "Mr. Speaker and Members of the House. My colleague, Representative Rutherford and I would like to welcome to Springfield teachers and members of the Dewitt, Livingston, and McLean County REO Star Literacy program. Also teachers and students that are here today from Parkside Junior High School in Normal, Illinois, stand up... they're in the gallery. Let's give 'em a nice, warm Springfield welcome, Ladies and Gentlemen."

Speaker Hartke: "Welcome to Springfield, your State Capital. On page 2 of the Calendar appears Senate Bill 1569. Representative Novak. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 1569, a Bill for an Act concerning public utilities. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1569 amends the Public Utility... it requires the Commerce Commission to do a study characterized as a municipal aggregation. And what this means is that today is... or tomorrow is May 1st, which is a significant part of the Deregulation Bill that we passed five years ago that allows our neighbors and our constituents to shop for alternative providers of power. However, what has happened is that no entity has signed up

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

125th Legislative Day

April 30, 2002

before the Commerce Commission to provide sources of alternative power other than what power is derived from the local utilities. So, this was an idea brought forth by the Center for Neighborhood Technology which works in northeastern Illinois and other parts of the state. We think it's a good idea because other states are looking at allowing mayors, and village presidents, and governmental leaders to aggregate on behalf of their constituents to buy power on the open market at a lower price. The more people you get in to an aggregated unit the better we think there's going to be the opportunity for competition at the retail level. That's simply what this provides."

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

Cross: "Thank you, Mr. Speaker. May I... Can I ask him some questions?"

Speaker Hartke: "Yes, the speaker (sic-Sponsor) will respond to questions. Ladies and Gentlemen, Shhhhhhh, please."

Cross: "Representative..."

Speaker Hartke: "Thank you."

Cross: "We're waiting to get a little clarification, Phil, but it was our understanding that this was going to be held on Second to do an Amendment. I wasn't in committee. That's our staff's understanding. Maybe if we could hold on a second or... we're looking at it right now but we've got in our notes, Phil, that..."

Novak: "Okay."

Cross: "... you were going to hold it. Obviously, it's already to Third. But... And I'm not sure the substance of... or the context of which you said you were going to hold it, but if you could..."

Novak: "What happened in committee, Mr. Cross, that the Commerce

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

125th Legislative Day

April 30, 2002

Commission had a concern about it because of the cost of what the study is going to be. They indicated that the cost would cost about a hundred thousand dollars. And I said we wanted to move the Bill out of committee because the foundation that I sit on, the Illinois Clean Energy Committee Foundation that I am a trustee on, recently awarded the Commerce Commission about a hundred and ten thousand dollars for another study studying transmission lines in the state and I encouraged Mr. Stoller from the commission to petitioning once again before the foundation for private funding to get the study done. So, I'd just like to move this Bill along. I think we can get the funding from the foundation and not from any General Revenue Fund source."

Cross: "Okay. Thanks."

Novak: "You're welcome."

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

Novak: "Yes, Mr. Speaker. I just think this is a reasonable approach to the future dealing with our constituents with respect to residential retail electricity markets and I ask you for an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1569?' 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 114 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is declared passed. Senate Bill 1627, Representative Brunsvold. Out of the record. Senate Bill 1658, Representative Miller. Mr. Clerk, please read

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

125th Legislative Day

April 30, 2002

the Bill."

Clerk Bolin: "Senate Bill 1658, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Miller."

Miller: "Thank you, Mr. Speaker, Members of the General Assembly. Today I bring before you Senate Bill 1658. It simply adds additional language to the already requirements in regards to oral piercing for minors. I wish for a favorable vote."

Speaker Hartke: "Is there any discussion on Senate Bill 1658? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1658?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Would Mr. McKeon and Mr. Brunsvold like to vote on this issue? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1704, Representative O'Connor. Out of the record. Senate Bill 1705, Representative Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1705, a Bill for an Act concerning civil procedure. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is before us at the request of the Illinois State Medical Society. Recently they changed their organizational structure in regard to their insurance program which provides insurance to their members. By changing the technical structure of the organization, they may have triggered an Act in our Code of Civil Procedure which requires all information be kept confidential. By their making that technical change in their own



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

125th Legislative Day

April 30, 2002

organization, they might have exempted that organization from keeping confidential all the records of the physicians. This would actually make sure that this particular Section of the Code of Civil Procedure still applies to the Illinois State Medical Society and its insurance company."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1705?' 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 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1706, Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1706, a Bill for an Act concerning freedom of information. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1706 is an initiative of the Cook County Assessor's Office. This Bill amends the Freedom of Information Act. It states that computer geographic systems will be exempt from inspection and copying by the public. Right now, it only exemp... it exempts computer graphic systems. This Bill originally was passed last year and in the Governor's signing message he indicated they wanted it narrowed, that would be what this legislation does. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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

125th Legislative Day

April 30, 2002

seeking recognition, the question is, 'Shall the House pass Senate Bill 1706?' All those in favor signify by voting 'yes'; and those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Would Mr. Hoffman like to vote on this Bill? Mr. Beaubien. Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 4 Members voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1730, Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1730, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 1730 provides for the seizure and forfeiture of a vehicle of a person who is convicted of driving on a suspended or revoked license. If the suspension was the result of specific violations which include a DUI, leaving the scene of an accident involving a personal injury, reckless homicide, or statutory summary suspension related to drugs, alcohol, or intoxicating compounds. I can answer any questions."

Speaker Hartke: "Is there any discussion on Senate Bill 1730? Seeing that no one is... The Chair recognizes Representative Mulligan."

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

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

Mulligan: "Representative, in the past when we've had Bills like this, the issue has been when a car is held by a couple and only one of them is convicted of driving under the influence and revoke the license, what would happen for a wife or a husband who that vehicle was their main means of

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

125th Legislative Day

April 30, 2002

transportation?"

Coulson: "The vehicle can be forfeited to that spouse and at a one time only, but it will be forfeited directly to the spouse. There's a hardship provision in this Bill."

Mulligan: "So, the spouse would still have access or would have sole title to it and the other partner would not be allowed to drive it?"

Coulson: "Correct."

Mulligan: "Thank you."

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

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

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

Davis, M.: "Representative, what happens if the person still owes money on the car?"

Coulson: "The one... there's a huge, long process they go through for the forfeiture, but if the money... if the car is owned by a lien holder or by another company, that car actually can be forfeited to the group that the car... that... that owes the money. So if it's, for example, your car dealership, the car will be forfeited directly to the car dealership."

Davis, M.: "So, I'm sorry, I don't understand. You say if it's owned... if the car is still has a loan on it and you take the car and you sell the car, is that right?"

Coulson: "No, they wouldn't sell the car. They would forfeit it to the entity that that money is owed to."

Davis, M.: "They would return it to the person they owed money to. Is that correct?"

Coulson: "Correct."

Davis, M.: "So, would the person get any of those proceeds?"

Coulson: "Only if there were additional proceeds after all the

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

125th Legislative Day

April 30, 2002

expenses."

Davis, M.: "So, suppose the car is owned by a husband and a wife."

Coulson: "The wife, as I mentioned to Representative Mulligan, the husband or the wife, the one who was not the convicted drunk driver or reckless homicide driver, would be able to have the car forfeited to them, directly. So, they would be able to have the car in their own name."

Davis, M.: "And how do they go about doing that?"

Coulson: "It... the State's Attorney... it all goes through the State's Attorneys Office. And they... it would be a direct forfeiture to the spouse once they applied for a... I'm trying to think of the word here... a harm... so that they are held harmless, that they don't lose their car."

Davis, M.: "Do they have to get an attorney?"

Coulson: "That would be up to the state's attorney. I would think that it would be a relatively simple procedure and they would not need a... an attorney."

Davis, M.: "Your Bill doesn't spell that out?"

Coulson: "No, it doesn't. This Bill basically adds reasons for forfeiture into a current statute."

Davis, M.: "Suppose the car is owned by your parents and you have a underage person, then what?"

Coulson: "If the owner knew that the child was not allowed to drive, because remember this person who's driving this car already has a suspended license. So, if the parent knew the child was not allowed to drive and they gave the keys to that child, then they would be willful and wanton in not having kept that car from that child. However, if the parent didn't know, let's say the child took the keys and just drove the car. Then the parent would be able to go and state their case and would not have the car forfeited."

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

125th Legislative Day

April 30, 2002

Davis, M.: "So, would the parent have to prove that they didn't know or would someone just believe them? Or would the parent have had to report the car stolen or what steps would the parent have had to take to prove that they didn't know that this child had the car?"

Coulson: "The bur... the burden would not be on the parents, it would be on the state's attorney to prove that the parent knew."

Davis, M.: "Will the person still serve the 10 days? I think current law says that they have to serve a minimum of 10 days or 30 days of community service. Does that still apply?"

Coulson: "We're not changing that part of the law."

Davis, M.: "So, the person would lose their car, serve between 10... a minimum of 10 days imprisonment, and they would be given 30 days of community service. Is that right?"

Coulson: "Yes, that's correct."

Davis, M.: "Okay, Representative, are they mandated to Alcoholics Anonymous?"

Coulson: "No, that's not in this Bill."

Davis, M.: "They're not mandated for any treatment?"

Coulson: "No, but it's a great idea."

Davis, M.: "And Representative, the money that's collected or the proceeds that are collected from the sale of these vehicles will go to what department?"

Coulson: "It would go to the county that confiscated the car."

Davis, M.: "It would go to the county board or the county president or...?"

Coulson: "The county general fund."

Davis, M.: "To the general fund in the county of who took the car. Would the state's attorney get to spend that money?"

Coulson: "It would be up to the county at that point. It's going

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

125th Legislative Day

April 30, 2002

into their general fund."

Davis, M.: "It wouldn't be up to the state's attorney, it would be up to the county?"

Coulson: "Yes, correct."

Davis, M.: "Representative, when would this Bill take effect?"

Coulson: "It's an immediate effective date."

Davis, M.: "Excuse me?"

Coulson: "It's an immediate effective date. As soon as the Governor would sign it, obviously."

Davis, M.: "January."

Coulson: "Whenever the Governor would sign it."

Davis, M.: "Upon signing, is that correct?"

Coulson: "Yes."

Davis, M.: "Representative, do you believe that the hardship acceptance (sic-exception) will be used frequently? You know it says here that a person who can show hardship, they could keep their car. How do you go about doing that?"

Coulson: "It's for the spouse or other owner who would need that transportation for going to work or other reasons. And I would believe that if the car is owned by several people, yes, it would be used."

Davis, M.: "You know, I... this is a very well intended piece of legislation, but you know what my concern is, Representative Coulson? My concern is that family of those people who don't have the means to hire an attorney to protect their rights. In other words, a husband has a DUI and the wife needs that car to take kids to school, to get groceries, or maybe to get to work herself and the car is gone, but they're minimum wage earners. So, where does she get the funds to hire an attorney to protect her rights? Now, you're saying that your Bill... is your Bill silent on that? You don't have to have an attorney, it's up to the

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

125th Legislative Day

April 30, 2002

state's attorney. You know, that Bill should not be silent on that. You should say that there's a form the family can fill out and once the family fills it out, whoever investigates it. But, we cannot leave that silent. You know, that's really important."

Coulson: "If that was a question, I guess what I would say, this is a current statute that is already in place. What we're doing here is adding several reasons for confiscation or forfeiture of cars. We're adding the hardship portion of it, and if there are other changes that need to be made, I would be happy to see working on that next year. But, I think that this piece of legislation is well-intentioned and should move forward."

Davis, M.: "This is my question, Representative Coulson, and I know this is well intended legislation. My question is, what method does a spouse use to show the court that this is the only source of transportation and that this seizing of that automobile will wreak hardship... a financial hardship on that family?"

Coulson: "As far as I know, it would only require written notification. It does not require hiring of an attorney. The state's attorney then makes a determination of whether or not the financial hardship, as a result of the seizure, outweighs the benefit to the state of the seizure."

Davis, M.: "So, they would not have to hire an attorney?"

Coulson: "No, as I stated before, it's not required that they hire an attorney."

Davis, M.: "Do they seize these automobiles on the first DUI or the second DUI or the third DUI? When do they seize them?"

Coulson: "It's the fourth DUI and it's after someone's license has been suspended or revoked. You no... you don't take the car away until someone has already had their license

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

125th Legislative Day

April 30, 2002

suspended or revoked and they should not be driving it. They are already on notice that they should not be driving a car and they still chose to violate the law and to continue driving that car."

Davis, M.: "In other words, this is the result of a newspaper story. A newspaper printed... a newspaper printed that people were driving vehicles after they had left court. And after they had left court and their drivers license had been suspended, they were followed and they still got into the automobile. To the Bill, Mr. Speaker. This legislation is well intended and I will vote 'yes'. However, it's a dangerous piece of legislation. It is dangerous because it puts at risk those who were not driving under the influence, those who have absolutely nothing to do with the person perhaps who was driving for the fourth time. Plus, I'm concerned that a person can drive and get a DUI four times before something serious happens to them. This is the fourth time. Should we wait until they kill someone. I don't think we should wait until they kill someone. It should not be the fourth time. But I don't think we should take a vehicle that a family is paying the cost for and I know they'll... they'll have to continue paying for that car. They will continue having to pay for that car. That wife who has to go to work, will have to pay for that car and be without it for some time. I'm really concerned. I'm concerned that they will not be able to afford a lawyer. Now, I know this legislation is well intended, but we cannot legislate based upon a newspaper story. We should legislate based upon what is best for the citizens in this state, what is best to protect innocent people from being hurt or injured by DUI drivers. And seizing vehicles is just going to add a



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

125th Legislative Day

April 30, 2002

problem to those who can least afford it. Now, if the judge has the option of locking these people up for ten days or more, I think that's more significant than seizing the family vehicle. Give this legislation some thought. I'm gonna vote 'yes', like everyone else, it's a political year. Thank you."

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

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

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

Black: "Representative, you and I have had many conversations about the confiscation of the vehicle and subsequent sale of the vehicle. What... what safeguards are in the current legislation that the car will not be sold at auction until the family members and in some cases even the co-owner in joint tenancy have the ability to redeem the automobile?"

Coulson: "In... in the current law, as I said, we're just adding to a current statute. In the current law, that within 15 days of a seizure of a vehicle, the sheriff must give notice of the seizure to each person on the title at the Secretary of State's Office. There's a 11... 11-point forfeiture procedure that we have here. I can read through the rest of it. But, basically, the spouse or the... and the owner of the vehicle must show that it would be a hardship. The state's attorney would then release the vehicle to the lien holder or the spouse and it goes on and on here."

Black: "What constitutes a hardship?"

Coulson: "If... Again, this is not in the law. My intent and the intent of the legislation is to continue with the current law as it is. If a family would need that car for

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

125th Legislative Day

April 30, 2002

work or other important... other important things and it's their only source of transportation, then they would be able to keep the car. So, if you had two cars it might not work, but if you have one car..."

Black: "All right. What if the only hardship is that I'm a co-owner and I made half the payments on the car and I feel that I should have the car and be able to sell it to protect my portion of the investment? Maybe there's no hardship. Maybe the spouse doesn't work, but the spouse has paid insurance and has paid some of the payments and is a co-owner of the car. So, I can't go to court and say, well, it's a hardship because I'm not working outside the house, but half of that value of that car is mine and you're just gonna sell it? What do I get out of it? Do I get anything out of the sale?"

Coulson: "If it's your only car it would be a hardship, because you would not have transportation. However, if it's not your only car then it's up to the State's Attorneys Office to make that determination, as it would be under current law. There already is this statute on the books and your State's Attorneys Office would make that decision."

Black: "All right. What about the instance that the State Bar Association raised and this happened in my district. A gentleman had his license revoked, I think it was for a period of six months. And after six months, I don't know whether he got a license in the mail or how that worked, but anyway the suspension was lifted and he was able to drive. He gets picked up, true story now, he gets picked up I believe for speeding. He had failed to pay the reinstatement fee, so technically he's driving on a suspended license. Would it not... would it be beyond the realm of possibility that he could have his car confiscated

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

125th Legislative Day

April 30, 2002

simply because he failed to pay a reinstatement fee and is now ticketed for driving while suspended?"

Coulson: "That really is already currently in the law. One would assume and I would hope in as far as I'm concerned, that the state's attorney would then allow him to pay that reinstatement fee and he would have his car back."

Black: "Thank you very much, Representative. I appreciate your questions. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "Previous speaker said this is a political year and the Bill has some problems, but they're gonna vote for it. I could care less if it's a political year or not. This Bill has some problems. It is the result of a series promulgated and written by, I believe, the The Chicago Sun-Times. A very... a very good series that points out a definite problem in society and that is that we have a number of people who have no respect for the law, who will thumb their nose at any and all attempts to get them to stop driving. And they did an excellent job of documenting the problem, even by photographing the drivers who would go into court and say, I'm sorry, your Honor, I'll never do it again, pay a fine, walk out of court, hop into a car, and drive away in an automobile that they are not legally able to drive. It does show a complete disregard for the law and I share some of the underlying intent of the Bill to say you wanna do that, then you can pay an ultimate penalty in that we'll confiscate the car. But the language is so broadly written that it appears to me that the rules and regulations will be drafted literally by... on a county by county basis, rather than any standard procedure as promulgated by the law, and it opens you up to confiscation of a person's asset. That is not a step to be taken

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

125th Legislative Day

April 30, 2002

lightly, because any of us know a new car today is not a minor investment. And to have that car taken and perhaps sold at auction within 20 days of your court appearance, notwithstanding the ability of a hardship case to intervene. But in some of those cases the address on the title is no longer the correct address so the letter would come back and in the intervening time period, I think you could put somebody at risk. I... I'm not opposed to what this Bill is attempting to do and I'm certainly, like many of you, I was somewhat surprised by the sheer brazenness of the people that these Sun-Times articles pointed out who just simply have absolutely no respect for the law whatsoever and something does need to be done. And I've seen in the local paper here in Springfield, that local law enforcement officers are already doing this, that they are setting up a system whereby they arrest them immediately. But confiscation is an issue that I'm not ready to vote for because I don't think it is spelled out as clearly in this Bill as it could be. And I can't, in good conscience, vote for a Bill that has a number of open-ended questions when you go taking somebody's asset, that should be not only a matter of last resort, but it should be a very finely crafted procedure of due process. And if that doesn't happen, then that creates something in the law that to me is just as scary as someone who has shown complete and utter disregard and disdain for the law. So, I can't, in good conscience, vote 'yes' for this Bill."

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

Hoffman: "Will the Sponsor yield?"

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

Hoffman: "Yes, Representative, I wanted to clarify a statement

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

125th Legislative Day

April 30, 2002

that you made to Representative Davis earlier. Maybe I mis... you misspoke or maybe I didn't hear you correctly. Are you saying that this Bill in front of us today indicates that you have to be convicted four times of DUIs and then driving on a revoked license before forfeiture?"

Coulson: "I think I may have misspoke or put two things together. Current law says you have to be convicted of four DUIs to lose your... Yeah."

Hoffman: "Okay. So, current law now as... 'cause we passed it last year."

Coulson: "Right."

Hoffman: "I believe I was a cosponsor of the Bill."

Coulson: "Right."

Hoffman: "Current law now says if you are convicted of a fourth DUI and then are caught driving on a revoked license or a suspended license, but I assume it'd be revoked, that you then could be eligible to forfeit your car. Is that correct?"

Coulson: "Correct."

Hoffman: "Now, what you're doing here is you're saying if you get one DUI, just one and you get caught driving on a suspended license, which is different from a revoked..."

Coulson: "Right."

Hoffman: "... suspended or revoked license, you then could forfeit your car?"

Coulson: "Correct."

Hoffman: "Now, just for clarification of people of the Body, that means some person 3-4 years ago gets caught... and gets caught for a DUI, no accident, nobody's hurt. And then he later has to go to work, he has a revoked license, he goes to work, downstate Illinois, he gets caught, you then are gonna take his car away. Is that right?"

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

125th Legislative Day

April 30, 2002

Coulson: "His... his license would not be revoked for that length of time. It would probably only be a short time."

Hoffman: "Well, now let me tell you this. Okay, maybe you're not as familiar with this and I understand that. Under the law currently, it says if you get a DUI, conviction of a DUI, you're convicted of a DUI, you lose your license for a minimum of a year. It's a minimum of a year. And then the only way you get your license back is to apply to the Secretary of State's Office through a hearing process. You don't automatically get 'em back in a year. And you understand that, correct?"

Coulson: "Yes."

Hoffman: "And it's very difficult, you understand, to go through that hearing process. Sometimes it's 2-3 years before you get your license back, even though it's your first DUI and first conviction. You understand that also, correct?"

Coulson: "I suppose there's a possibility that that could happen, but I have never seen that happen that it would take that long, perhaps downstate it does."

Hoffman: "Well, I have... yeah, I have. And maybe it's a function of not enough hearing officers, maybe the hearing officers are extremely tough, or maybe they just take their job very seriously. And I don't begrudge 'em that, and I don't begrudge the fact that if a person gets a DUI and he doesn't have a license he shouldn't be driving. I think that's absolutely correct. But current law, under current law, if he does that and if he is revoked he can face up to 10 days of prison and/or, or 30 days community service. Now, if you wanna raise that and you wanna say 20 days of prison, 60 days community service, I think we all may wanna agree with you on that. But I just have a problem, particularly the affect that this Bill is going to have on

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

125th Legislative Day

April 30, 2002

a loved one, on a spouse who may co-own that car and now is going to lose that car as a result of the forfeiture because their idiot husband has to drive after he has a DUI. Okay? Now, I can't sit here and say that that person should be driving, but I can say that the punishment should fit the crime. And a woman who happens to be married to a person who has got a DUI and drives even though he don't have a license, should not be punished, in my mind. We shouldn't be punishing that woman. She did nothing wrong other than get married to somebody who likes to drink and drive. And to me, what you're doing now is you're saying to that woman, you have to pay a lawyer, you have to go to court, and you only get it once, you have to go to court, and you have to beg the judge... you have to beg the judge to give me my automobile back, so you as a woman can feed their family and can go to work. To me, that doesn't make... that doesn't make a lot of sense and I don't believe that the punishment, in this case, fits the crime, especially, to that woman who didn't commit a crime in the first place. She did nothing wrong. How do you respond to that?"

Coulson: "As I responded to Representative Davis, that is not necessarily the way it has to happen. First of all, we have a hardship clause in the Bill. So therefore, the state's attorney can choose to say all you have to do is do a written statement, this would cause you a hardship and you will get the car forfeited to you, the spouse. That is dependent on that state's attorney. Now, if your state's attorney is gonna be tougher and make them get a lawyer and hire somebody in court... go to court, that's something that we need to work through with the state's attorney. It is not in the Bill and remember, what we're doing here is

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

125th Legislative Day

April 30, 2002

amending a current statute. So, all of these forfeiture pieces are already in place for that current statute. We are not changing any of those. So, if you're concerned about those issues, then I would suggest that we work on amending the underlying statute to fix those things. This is just adding to the reasons for forfeiture."

Hoffman: "Oh, I'm not... I'm not as concerned about the issues as I am why under that scenario we should be forcing a woman or a man, for that matter, a woman, but generally a woman I would venture to guess, why should we be forcing them to have to plead and beg to a local state's attorney so that she can keep her car in order to get to work to feed their family? Now, I find that... I find that overly... overly strong for to ensure that a woman won't have to do that when she didn't commit any type of offense. Let... let me just ask you real quickly, where in the Bill does it currently indicate that the state's attorney has the authority to give that back to that person?"

Coulson: "It's... it's not in our Bill. It's not in our Amendment to the statute. It's in the current statute and just give me a sec and I will find it."

Hoffman: "But while they're looking, the other issue is, it's my understanding that in order to have that hardship provision apply this would have to be that the vehicle seized is the only source of transportation. So, I mean, how is that defined? Does that mean that she couldn't borrow a car from a neighbor? Does that mean that if she borrows a car from a neighbor or has another source of transportation or she can drive mass transit or ride mass transit that then the car can be forfeited from her and she can lose title of that car?"

Coulson: "Excuse me, I was looking for that other citation."



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

125th Legislative Day

April 30, 2002

Could you repeat that?"

Hoffman: "It indicates in order for the hardship provisions... Do you want me to wait? I can wait. Yeah, go ahead."

Coulson: "Can I answer that.. the first question, then I'll get...? Okay, it's Section 36-1, if the spouse or owner of a vehicle seized for an offense described in subsection g, da da da... continued on... makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the state from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle may be transferred to the spouse or family member and then it goes on from there."

Hoffman: "But, does it indicate in there who makes that determination? You indicated to me the state's attorney made that determination."

Coulson: "That's the process that is currently in place for this statute."

Hoffman: "And who makes that determination, the state's attorney or does the court?"

Coulson: "The State's Attorneys Office can make that determination according to the forfeiture rules that they have given us."

Hoffman: "Well, I... I see no where in the law... under current forfeiture law, that gives the state's attorney that sole authority. I think you have to go to court and a judge makes that determination and weighs the hardship to the family as a result of the seizure and makes sure that outweighs the benefit to the state from the seizure. I see nowhere in this Bill that says that the state's attorney makes that determination."

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

125th Legislative Day

April 30, 2002

Coulson: "If that was a question..."

Hoffman: "I'm asking ya..."

Coulson: "... as I said, it's the current law."

Hoffman: "... you made a statement that the state's attorney makes this determination. I don't see it. Show me where it says that."

Coulson: "Well, as I said, we're just amending the reasons for forfeiture here and the current procedure as we have been told, is through the State's Attorneys Office."

Hoffman: "Well, it is. The state's attorney brings the action, the judge makes the determination. So, a person, a woman in this case, in my scenario or my hypothetical, who has committed no crime, just wants to use that car that she is entitled to, has a legal interest to, has to go to court, plead her case, show that the financial hardship to the family as the result of the seizure outweighs the benefit to the state from the seizure and a judge then has to determine that that is indeed the case. So, what I'm saying is, is I don't... I fail to see the fairness in that scenario."

Coulson: "And I guess what I would say, the state's attorney has discretion on how to deal with this, whether it should actually go to a court or be made in another way, in an administrative way. That is not something that's in the current law and we're not changing that at all."

Hoffman: "Let me ask you this scenario..."

Coulson: "If you'd like to change it, as I said before, that's something that we can work on in the future."

Hoffman: "But, I'm not saying it's wrong. Currently, in the case of a person who has four DUIs and is driving on a revoked license, I'm not saying it's wrong, currently. I'm saying it seems rather harsh to do that to a family when a person

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

125th Legislative Day

April 30, 2002

has one DUI and drives on a suspended or a revoked license. That's my point, is that what you're saying here is unduly harsh to that person who has committed no crime, and has a legal... is legally entitled to that vehicle. My next question, which you were talking to staff and I apologize, I should've gave you some time, was I believe that the current statute indicates that it has to be the sole... the actual language is, 'the seized vehicle is the only source of transportation.' So, does that mean that in my scenario a woman who's committed no crime, her husband gets a DUI, drives under a revoked or suspended license, is stopped with a new car, and she can ride mass transportation to work. She then is not going to be able to get her car back even though she has committed no crime?"

Coulson: "No, that would not be the intent."

Hoffman: "Well, it would no longer be the sole source of transportation. She could go mass transit. She could ride a bus. In our area, Madison-St. Clair County, we have Bi-State buses. If she can drive... if she can ride a bus she... this would not be her sole source of transportation. So, she could lose her car and you say, well, we're sorry, even though you committed no crime, you did nothing wrong, you gotta ride Bi-State bus the rest of your... the rest of your days until you can make enough money to buy a new car."

Coulson: "As I said, that is not the intent of the Bill. Transportation is needed for more than just going to and from work. It's needed for other things."

Hoffman: "Well, my concern though is, Representative Davis, Representative Black, and now I, I think have raised some legitimate concerns. And I understand it's not your intent of the Bill. I'm just telling you what the Bill does and

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

125th Legislative Day

April 30, 2002

what the practical effect is. If you wanna crack down on the people who drive on revoked license, crack down on people who drive on suspended license, I'm all for ya. But in downstate Illinois, where I'm from and other places in Illinois where I'm from, people don't have other means of transportation. Sometimes they do this and they do this in order to protect their livelihood. And I think that first of all, they should be punished. I don't quibble (sic-quibble) with you on that. But I don't think an innocent person who has a legal right to the vehicle... to the vehicle should also be punished, who did nothing wrong. And I think your Bill, although that's not your intent, is going to be the practical affect of this legislation. I think that everybody, particularly people from downstate, to vote 'present' or 'no' and we should work together on trying to come up with a Bill that's gonna make sure we stop once and for all these people who drive on revoked and suspended license. I ask for a 'present' or a 'no' vote."

Speaker Hartke: "Mr. Clerk for an announcement."

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

Speaker Hartke: "Further discussion on Senate Bill 1730? Chair recognizes Representative Schoenberg."

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

Speaker Hartke: "Sponsor indicates that he'll... she will yield for a question."

Schoenberg: "Representative Coulson, could you indulge us and walk us through the process of what happens to this property once it's confiscated for whatever grounds?"

Coulson: "I can go through the 11-step process if you'd like. The forfeiture procedure, which again I will remind you, is

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

125th Legislative Day

April 30, 2002

already in place because there's already a law for forfeiture on the books and we are adding to that law. The forfeiture procedure is that within 15 days of seizure of vehicle the sheriff must give notice of seizure to each person on the title and to Secretary of State's Office. If the spouse of the owner of the seized vehicle makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the state of the seizure the vehicle may be forfeited to the spouse or family member. Three, the state's attorney must release the seized vehicle to the lien holder of record if the lien holder shows the state's attorney that his lien is bona fide and he had no knowledge the vehicle was used in the commission of the offense charged. Number four, if the state's attorney finds the forfeiture was incurred without willful negligence on the part of the owner to violate the law or he finds mitigating circumstance was justified the remission of the forfeiture, he may release the vehicle. Number five, if he does not release the vehicle, he brings an action for forfeiture in the circuit court. Notice of the forfeiture proceeding must be mailed to the owner or lien holder. Number six, the owner of the seized vehicle may within 20 days file an answer to the complaint and appear at the forfeiture hearing. Number seven, the state must show by preponderance of the evidence that the vehicle was used in commission of the offense. Number eight, the owner of the vehicle may show by a preponderance of the evidence that he did not know or have reason to know that the vehicle was used in the commission of the offense. And number nine, if the state does make a showing the court can order the

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

125th Legislative Day

April 30, 2002

vehicle destroyed, ordered it delivered to any local, municipal, or county law enforcement agency or the State Police or may order it sold at public auction. Number ten, proceeds of the sale after payment of all liens and deductions of the reasonable expenses incurred by the sheriff in storing and selling the vehicle shall be paid into the General Fund of the county of seizure. And lastly, the owner of other... or other persons interested in a seized vehicle may file with the Attorney General a petition for the remission of a forfeiture."

Schoenberg: "Thank you very much. I'd like to focus everybody's attention on item number ten, Mr. Speaker and Ladies and Gentlemen of the House, if we could have some order."

Speaker Hartke: "Shhh. Please."

Schoenberg: "My question, I don't want to replicate some of the other questions. What I would like to focus my line of questioning on is what happens to the confiscation of private property, whether it is justifiable or unjustifiable when those assets are liquidated, according to number ten that goes into the county's General Fund? Correct?"

Coulson: "Correct."

Schoenberg: "So, if you look at other crimes that are committed within our society, and this is separate and apart from how you feel about the confiscation of private property, what is the practice for example, when property is forfeited or confiscated in a drug crime justifiably or unjustifiably, what happens with those assets? Do those assets just go into a general fund to pay for anything or are those assets targeted in some form or in their entirety towards dealing with issue of drug-related crime?"

Coulson: "I believe some are targeted and some are... just go to

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

125th Legislative Day

April 30, 2002

general funds."

Schoenberg: "Okay. For dollars that are allocated to the Capital Litigation Fund which pays for expenses for those who are being prosecuted for capital crimes, are those dollars specified for particular purposes related to capital crimes or can they be applied for anything in the criminal justice system?"

Coulson: "I don't know the answer to that question, do you?"

Schoenberg: "The answer is... thank you for asking. Because the answer is that dollars which are allocated for the Capital Litigation Fund can only be spent, and there's great detail and scrutiny given to this, can only be spent on expenses directly relating to prosecuting those capital crimes. You may recall that for the first... in the first year that the Cook County State's Attorneys Office received money from the Capital Litigation Fund there was considerable controversy generated from your side of the aisle about how State's Attorney Devine spent that money. They argued that for spending some on it... some expenses that were indirectly related to the prosecutor's expenses but that wasn't sufficient grounds for spending that money. So, I think one of the issues that hasn't been addressed in this Bill, in addition to many of the others, is the fact that the money once these assets are liquidated, the fact that the money can be spent on anything. So, for example, in DuPage County the money that can be... the money that's generated as a result of confiscating the cars could be spent on paying for a summer job that has nothing to do with... directed nothing directly to do with addressing the very worthwhile goal of ameliorating the problem of driving under the influence. That money can just go in the General Fund, can be spent on anything. So, that's an objection

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

125th Legislative Day

April 30, 2002

that I think is worth merit. But the other one I think speaks to a larger issue and frankly, I'm a little surprised that some of our other colleagues who are more interested in preserving private property holders' rights that they're not objecting to this. You know, in Congress, Mr. Speaker, Ladies and Gentlemen. To the Bill."

Speaker Hartke: "To the Bill."

Schoenberg: "In Congress... Congressman Henry Hyde... I don't agree with Henry Hyde on a lot of things, but one of the things I do agree with Congressman Hyde on is his leadership in protecting personal property rights from undue seizure and liquidation by the government. To insure that there's actual due process and stronger protection for personal property so that the government can't go and even with the best of intentions or the best of motives, so the government can't go and take your private property. And if you look at where we're going on this Bill, you could make a strong argument that we are going in the opposite direction of where Congress is going. Congress is go... Congress is working on protecting, and the leadership for this is coming from the Republican Caucus, Congress is going in the direction of protecting individual property rights. Here we're setting a precedent in removing some of those protections for personal property rights, even if people have abused others' rights with the use of their personal property. So, I would echo what some of the reservations that others have made, but from a different tack. We are working against the trend to protect people's personal property rights from the coercion, justifiable or unjustifiable, from government. We've seen a number of Bills this year where we are working to strengthen individual property rights, whether it's to have stronger



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

125th Legislative Day

April 30, 2002

safeguards for quick take, whether it is to provide greater protections from people having their property taken in the event that there's a highway or tollway that's going to expand into that, whether it is in a number of other areas. We're actually looking to strengthen individual property rights from the coercive powers of the government. Here we're working against that. And I'm surprised that we don't have greater protection for personal property. And on top of it, when we liquidate that property we just put the money in the General Fund. We don't even address the issue of how do we treat those who drive under the influence. We just put that money in the General Fund so it can be spent on summer jobs for people's nephews, so it can be spent on cutting the grass in the forest preserve district, so it can be spent on anything but dealing with the issue of how to treat those who drive under the influence. For those reasons, I'd like to echo... I appreciate the patience of the Sponsor. I think there are too many gray areas in this Bill and I would echo some of the reservations and encouragement of others for us to be able to come back, take another run at this and to vote 'present'. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Monique Davis. For what reason do you seek recognition? You have already spoken in debate."

Davis, M.: "A personal privilege, Mr. Speaker. My name was mentioned in debate, several times, but I really want to say that I know that each of us in this Body realize the significance and seriousness of driving under the influence. But we also recognize the seriousness and significance of people not having bus transportation, people not having subways in the downstate areas, and I

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

125th Legislative Day

April 30, 2002

really agree with my colleague Black and my wonderful colleague Representative Hoffman. This Bill needs work. We need... This issue is important enough for us to work on this, not just put something out there harming relationships between husbands and wives. We feel that if we're given an opportunity to work on this legislation, to make it fair to everyone and not diminish a family's opportunity to go to work, take kids to school. And I urge a 'present' or 'no' vote, similar to my colleague Black and also Hoffman."

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

Stephens: "Thank you, Mr. Speaker. What is going on? What order of business are we on, first of all?"

Speaker Hartke: "We're discussing Senate Bill 1730 on Third Reading."

Stephens: "We're on the Order of Senate Bills-Third Reading?"

Speaker Hartke: "That's a fact."

Stephens: "And which set of rules of debate are we using? The Lady from Cook went on for 12 minutes earlier, nothing significant that I remember from those remarks, but then she came back to argue again and I believe that she mentioned subways in downstate Illinois. Now, I'm a little bit confused. I thought this was a Bill about DUI and increasing the safety, but subways, downstate? And Representative Hoffman from Madison County, he mentioned me in debate, so I need to know if we're going to talk about the Bill and how long we can go on. The Gentleman from Cook just kept talking like I am and not saying anything. I just need to know what the rules are, Mr. Speaker."

Speaker Hartke: "Would you discuss the Bill?"

Stephens: "To the Bill."

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

125th Legislative Day

April 30, 2002

Speaker Hartke: "To the Bill."

Stephens: "If this Bill has subways for downstate Illinois, I'm asking all downstaters to join me in defeating the Bill. But if it's about DUI and the proper punishment thereof, then we should probably limit the debate to that and not go on and on interminably just trying to... it's a whole new way of killing a Bill, just talk it to death. Mr. Speaker, get a hold of 'em over there. Let the Lady present her Bill in a reasonable and professional fashion and then I won't stand up and do this anymore. As always, thank you, Mr. Speaker."

Speaker Hartke: "You're welcome. Further discussion? The Chair recognizes Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, there has been so much debate about this. Representative Coulson, I rise in support of your Bill. And I want to just help clarify some things. I hope I can and help you... maybe you can help us clarify it. With respect to the issue of the state's attorney and you were asked this earlier, it appears to me the way I read this Bill that it is a 'may' versus a 'shall' and was your point that state's attorneys have the discretion whether or not to implement this Section of the statute. Is that correct?"

Coulson: "Yes, that's correct."

Cross: "All right."

Coulson: "Thank you for clarifying that."

Cross: "I just think we need to... and I think you've tried to answer but there's been a great deal of confusion. You also mentioned, I believe at one point, that this is not the only offense for which a vehicle can be seized or forfeited. Is that correct?"

Coulson: "Correct."

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

125th Legislative Day

April 30, 2002

Cross: "In fact, Representative, and I think, Members of the chamber, you ought to take a look at the actual underlying or the actual Bill. And if you take a look at all of the potential offenses that can be utilized or in which a vehicle can be seized or forfeited, to suggest that this is inappropriate is a very, very far stretch. This General Assembly has, and I'm going to list everyone of them because I think it's that important, has deemed the following crimes committed with the use of a vehicle to be ones in which you could seize the vehicle: if a car or an automobile is used in the offense of a murder, you could seize the vehicle, reckless homicide, aggravated kidnapping, indecent solicitation of a child, solicitating (sic-soliciting) a juvenile prostitute, juvenile pimping, exploitation of a child, child pornography, battery, battery with a firearm, stalking. Actually, the list goes on and on: criminal sexual assault, armed robbery, burglary, possession of burglary tools. Possession of burglary tools is an offense, if you use your vehicle, we can seize the vehicle. Residential burglary, arson, possession of explosive devices, possession of a deadly substance, aggravated discharge of a firearm, aggravated discharge of a machine gun, and gambling. You can be a bookie using your vehicle and your vehicle can be seized. This General Assembly has said everyone of those offenses, everyone of those offenses can be utilized or can be the basis to seize a vehicle. And we don't want to pass a Bill. We don't want to adopt this Bill or pass this Bill and utilize the offense of drunk driving and driving while revoked as a result of DUI. I cannot believe that this General Assembly doesn't want to go down this road. After all of those offenses I've just listed, we don't want to

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

125th Legislative Day

April 30, 2002

take another step and try to stop drunk driving. How many of us in this chamber have had somebody in our district killed by a drunk driver? Everyone of us has. And we're not willing to utilize this Section and this type of legislation to try to stop that. This is a good piece of legislation. This has been a Bill that's been around the last couple of years and it has improved significantly with the help of Representative Coulson and the Senate Sponsor. It's a Bill that we need to pass. It's a good Bill and I would encourage an 'aye' vote."

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

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

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

Hamos: "I voted for this Bill in committee and I may very well again, but I do have a question as I'm listening to this debate. What happens when there is an outstanding... well, first of all let me ask this question. Based on what Representative Cross was just asking, do we know how many cars are in fact taken for all those crimes... forfeited?"

Coulson: "No, I don't have that information. Sorry."

Hamos: "Okay. What happens if there is a loan outstanding as I'm sure there is in many of these cases? What's the process for when a car is forfeited? What goes on?"

Coulson: "As I answered before, someone else asked, the lien holder would get the car. The forfeit would be going to the lien holder. So, whether that be the car dealership, or a bank, or whoever and then the process would go through. And again, the dollars would be divided up at that point."

Hamos: "So, are the dealerships and banks in favor... have they taken a position on any of this?"

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

125th Legislative Day

April 30, 2002

Coulson: "They haven't taken a position."

Hamos: "Because don't we think that theoretically there will be many more cars that will be subject to this than under current law, with all of those other crimes combined? Do we have a..."

Coulson: "Well, I can give you a few statistics on that. In 2000 there were 56 reckless homicides, 476 leaving the scene of an accident, 51,000 statutory summary suspension offenses, and 21, 446 DUIs. My hope would be that those people would not continue to drive if the consequence is they could lose their car. Unfortunately, in the past, they've just continued to drive."

Hamos: "Okay. Thank you. Representative Coulson, here's another question appropriate to the question of the lien, outstanding lien. Is the driver still required at that point to continue paying the loan, on the loan, even though he doesn't have use of the car?"

Coulson: "No, I... You know when someone is going to forfeit a car they would not still be required to pay on that loan. I haven't really thought through the process that would go by, but if the car is forfeited to the lien holder, as in any time it's given back, they would no longer owe payments."

Hamos: "Okay. Thank you."

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

Flowers: "Thank you... thank you, Mr. Speaker, will the Lady yield, please?"

Speaker Hartke: "The Lady will yield."

Flowers: "Representative Coulson, I want you to know..."

Speaker Hartke: "Shhh. Please."

Flowers: "... that as a mother... as a mother I understand the

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

125th Legislative Day

April 30, 2002

importance of getting rid of people driving under the influence. They should not be allowed to drive. They are a menace to themselves as surely, they can hurt other people, as a mother I understand that. But I have to ask you, am I giving... if I vote for this legislation, am I giving the people of the State of Illinois false sense of security that we've done something to protect them and let me ask you the reason why... let me just explain to you. The previous Representative articulated and list off a bunch of reasons that's already the law, that are grounds that a person's car can be taken away from them. What difference will this legislation make?"

Coulson: "What this legislation will do is, make it so there will be fewer DUI drivers on the road. And I can give you a statistic from another state who has passed this law... "

Flowers: "But, Representative... "

Coulson: "... 18%, the drop in the number of drivers under the influence was 18% in the State of California, in the first year of passing this law and 47% in repeat offenders. That's a huge decrease... "

Flowers: "Representative... "

Coulson: "... in the number of DUI drivers on the road."

Flowers: "... did those other states have what we already have on the law in regards to the forfeiture, the forfeiture, or either the seizure of a person's vehicles? Does those states or do those states have what we have?"

Coulson: "I don't... I haven't looked at every law that they had before."

Flowers: "My point, Representative, is that if we were to implement what we have already, there's already legislation that's... on the books that will give the courts a reason to take a person's vehicle. This legislation is only

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

125th Legislative Day

April 30, 2002

adding to it. But as some of the previous speakers spoke and said, what you're doing now you will be causing a woman who may be in need of having her vehicle to get her children back and forth to work, to school, to get herself back and forth to work. So, I'm asking you again, what is it that this legislation will do, if it's signed into law, that cannot be done right now?"

Coulson: "According to the AAA Foundation for Traffic Safety, 37,000 crashes involve a driver who have had a license suspended. All we're doing is forfeiting those cars, 37,000 accidents that people are driving for... "

Flowers: "What is it... "

Coulson: "... without... that's what it will do. It will take those..."

Flowers: "... that this legislation would do... "

Coulson: "... people's cars away from them so they cannot continue driving without a license."

Flowers: "What is it that this legislation would do that cannot be done now?"

Coulson: "Right now, we cannot take their car away from them after they've been driving on a suspended license... "

Flowers: "According to... "

Coulson: "... this one will allow us to do that."

Flowers: "According to the previous speaker, he articulated a list of items that would allow a car to be taken... "

Coulson: "Right."

Flowers: "... that's number one. But according to my analysis here, it says under current law a person convicted of driving under these extreme situation can serve a minimum of 10 days in prison, or do 30 days of community services. So, now, if they are in jail for at least 10 days, they would not be able to drive their vehicle, am I correct?"



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

125th Legislative Day

April 30, 2002

Coulson: "If they are put in jail, you're right, they wouldn't be able to drive, but they're not all put in jail."

Flowers: "My point, and the question that I asked you earlier is, what will this Bill do differently than what cannot be done now? If we were to adhere to the law that we already have on the books, on the books, this person would not be driving. He would probably be getting some type of treatment or detoxing some place. Am I correct? If he's incarcerated for 10 days, if we implement what's on the books already."

Coulson: "As you well know, it takes a lot longer than 10 days to have detox occur for someone who's driving under the influence."

Flowers: "I don't know."

Coulson: "And remember, this is an offense that they've had... already had their driver's license suspended or revoked and then they still continue to drive. So, they... "

Flowers: "And that is my point, Representative."

Coulson: "... are not following the law."

Flowers: "That is my point. These people have been convicted on numerous of occasion and they've been slapped on the hand and sent on their way. Already on the books, this legislation exists that we'll be able to take their cars, prohibit them from driving. But one thing about it, you can take that vehicle if you want to, this goes back to my false sense of security. You can take that person's vehicle if you so choose to, but there's nothing, nothing, nothing short of locking that person up that will prohibit him from driving someone else's vehicle. There's nothing stopping him from driving someone else's vehicle and causing the mayhem that you thought that you were stopping him from doing so, by taking his vehicle. So, you took his

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

125th Legislative Day

April 30, 2002

car and so what? Now, he gets out, he go down the street to a neighbor's vehicle, says something happened to his car, may I please borrow yours, please? He gets behind the wheel and he kills someone. So what has your legislation done to protect the people of the State of Illinois?"

Coulson: "As I mentioned before, we can only go by what has happened in other states. And in the State of California, when they passed this same law, they had an 18% drop in the first year of first-time offenders and a 47% drop of repeat offenders."

Flowers: "But, we... "

Coulson: "I think that's a good long way that we need to go in stopping people from driving after ignoring the law. Remember, they're ignoring the law by driving. And we are now taking their car 'cause they ignore the law."

Flowers: "And they will continue to ignore the law until such time that we implement the law that we have here that says, lock them up for 10 days. And once again, we're giving the people a false sense of security, and the third and the most important thing is, we are not stopping them from driving because they can still go and get someone else's car and commit the same crime in which you thought that you were preventing them from doing. So, you're absolutely right. And those other states, I ask you the question, do they have what we have on our books already? You were not able to answer that. But once again, I believe if we implement what we have, we will be successful in cutting our rates down as well. Thank you, very much."

Speaker Hartke: "Further discussion and final speaker, Representative Mautino."

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

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

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

125th Legislative Day

April 30, 2002

Mautino: "Beth, I know you've had a lot of questions on this Bill and there've been some discussion, very good points made by other Members. I have one concern, and I understand what you're trying to do. There is a provision which allows for the vehicle to be taken away for statutory suspension due to the refusal to be tested for DUI, is that correct?"

Coulson: "If a statutory summary related to alcohol, drugs, or intoxicating compounds."

Mautino: "Now, I guess my question would be, so if they refuse to take the test, say someone that is stopped or is at a roadside safety checkpoint and they want them to take the test. By refusing, now this person may have had a DUI in 1985 or whatever, but for whatever reason they just say, I'm not going to take the test. Your Bill then would make that vehicle eligible for..."

Coulson: "No. Okay."

Mautino: "Correct?"

Coulson: "No, what the person's vehicle that could be confiscated would have to have a suspended or revoked license at this time."

Mautino: "But... "

Coulson: "So, then refusing would be... "

Mautino: "Well, the Bill says that one of the provisions to be used... Let's see, would be refusal to be tested. So, is that... just looking from your Bill, that's... that would be grounds, correct?"

Coulson: "Yes, yeah, actually... yes."

Mautino: "So, do you see any situation where someone, who simply didn't want to submit to a test, could lose their vehicle? Would you say that's a possibility under the standard of this Bill?"

Coulson: "No, I'll give ya that it's a possibility. Usually,

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

125th Legislative Day

April 30, 2002

people who are driving under the influence though, are the ones who would refuse and other people would not."

Mautino: "I understand all the emotional issues. What you've just said, is under this Bill, an innocent person can lose their vehicle for refusing to submit to a test and their family would be then without a vehicle unless they decided to go to court. Is that what you just said?"

Coulson: "Again, the family doesn't lose the vehicle unless the state's attorney chooses to do that. But you're right, I guess, the possibility... "

Mautino: "So... "

Coulson: "... exists if someone were... but again the DUI... "

Mautino: "Well, my question... "

Coulson: "... someone driving under the... "

Mautino: "... or maybe suggestion to you would simply be, why didn't you make the requirement on this, conviction? You know, the case still gets tried whether that test is in evidence or not. So, if they refused and then were convicted, then you could invoke this privilege. But right now, you have the ability of someone who does not want to, according to our Constitution, give any evidence against themselves, so you're actually forcing them to incriminate themselves possibly, or make evidence against themselves, or give up their car. Some folks are a little gun-shy about taking any tests or making any statements without an attorney present. Go figure. But, I mean, that's just my concern with the Bill. I understand what you're trying to do, but you've just said yourself, that this Bill leaves open the possibility for someone who has been guilty of nothing to lose a vehicle and then puts that power in the hands of the state's attorney. I wish you would consider that change. Mr. Speaker, to the Bill."

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

125th Legislative Day

April 30, 2002

Speaker Hartke: "To the Bill."

Mautino: "I do stand in opposition to your legislation as drafted. I understand that Senator Parker has worked with the Senate. I wish you would consider amending this to take out something that you've just admitted is a flaw, where someone who has done nothing wrong can lose their car. I wish you would make it after conviction, when they've refused, then you have it on record, you know what they've done. So, that would be my suggestion. I understand the Lady's intent. She has worked very hard on the Bill. It is still flawed. We have the ability within this legislation for someone who has done nothing wrong to lose their vehicle. I have a problem with that and I would hope you would, as well."

Speaker Hartke: "Further discussion? And, now the last speaker, Representative May."

May: "Yes, thank you, Mr. Speaker. I do have a question that I wanted to clarify. I am very concerned about drunk drivers on the road and DUI and I appreciate your concern, also. But doesn't the California law impound the car after 15 days? You are comparing California. So, this is quite a bit different than the California law, isn't it? I thought it was just impounding?"

Coulson: "Ours also gives 15 days notice."

May: "But it's impounding, not confiscating and selling, so quickly. I thought there was a difference and I just wanted that clarification, please."

Coulson: "What I have here is police are confiscating about 120,000 cars in California and they impound it. I do not have their exact process that they go through after that."

May: "I thought... Ya know, I, too, read the Sun-Times articles and the people were flaunting the law. I'm not sure that

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

125th Legislative Day

April 30, 2002

this addresses people flaunting the law because of the first time. But that's the difference that I see. It's impounding versus selling it. Is that correct? Can you find it?"

Coulson: "I'm sorry. Was that a question? I didn't hear a question."

May: "Okay. Yeah. Is that correct? You're saying that they... are they selling the cars after 15 days in California, like this Bill calls for?"

Coulson: "We don't sell the car after 15 days in Illinois law, either. It is confiscated and then it goes through a process of forfeiture which takes many days, including a 20-day response period. It is not sold after 15 days in Illinois. I do not know how many days they would hold it in California."

May: "Okay. Thank you, for clarifying that, I thought it was slightly different and I just... I have concerns. I am concerned about drunk driving. I want to do what we can, but I just do have some concerns with this Bill. Thank you, very much."

Speaker Hartke: "Representative Coulson to close."

Coulson: "Thank you, Mr. Speaker, and thank you everyone for this very lively debate. I would like to make a couple comments. One is, due process is definitely protected in this Bill. It's a law. It's a statute that we have and it is definitely protected. Private property rights have been protected in this Bill and I want to make sure that everyone is aware of that. There are many other reasons for forfeiture and confiscation in our laws, this is adding another reason, this is not making a new statute or a new law. I would like to make sure that you are also aware that Mothers of Drunk Driving (sic-Mothers Against Drunk

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

125th Legislative Day

April 30, 2002

Driving), the Illinois Sheriffs' Association, and the Illinois Association of Chiefs of Police are in support of this legislation. And I want to remind you, we're targeting a group of motorists who ignore the law and continue to drive after their licenses have been suspended or repealed for dangerous, and in some cases, deadly driving behavior. The possibility of losing their vehicles should make them think twice before driving without a license. And I would urge your support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1730?' All those in favor will signify by voting 'yes'; those opposed will 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 were 74 Members voting 'yes', 22 Members voting 'no', 19 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on April 30th, 2002, reported the same back with the following recommendations: 'to the floor for consideration' Floor Amendment #3 to Senate Bill 1982."

Speaker Hartke: "Is Representative Morrow in the chamber? Representative Charles Morrow, is he in the chamber? Mr. Clerk, committee announcements. Agreed Resolutions."

Clerk Rossi: "House Resolution 837, offered by Representative Tenhouse; House Resolution 838, offered by Representative Hannig; House Resolution 839, offered by Representative Mathias; House Resolution 840, offered by Representative Osmond; House Resolution 842, offered by Speaker Madigan;

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

125th Legislative Day

April 30, 2002

House Resolution 845, offered by Representative Black and House Resolution 846, offered by Representative Lang."

Speaker Hartke: "All those in favor of the Agreed Resolutions signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, you want to read the committee notices?"

Clerk Rossi: "A committee schedule has been passed out. The following committees will meet immediately after Session: the Cities & Villages Committee in Room 115, the Constitutional Officers Committee in Room 122-B, the Environment & Energy Committee in Room 114, and the Judiciary II Committee in Room 118."

Speaker Hartke: "Does anyone have an announcement? The Chair's prepared to adjourn. The Chair recognizes Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "Yes, I just went down to my parking spot, my car's been confiscated. Will you give me a ride home?"

Speaker Hartke: "Sure."

Black: "Thank you."

Speaker Hartke: "Would be more than happy to, Representative Black. Representative Currie now moves that the House stand adjourned until Wednesday, May the 1st, at 12 noon, allowing perfunctory time for the Clerk. All those in favor signify by voting 'yes'... saying 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "The designated hour having arrived, the House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 841, offered by



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

125th Legislative Day

April 30, 2002

Representative Coulson; House Resolution 843, offered by Representative May; House Resolution 844, offered by Representative Parke; and House Joint Resolution 72, offered by Representative Moffitt, are assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 6283, offered by Representative Eileen Lyons, a Bill for an Act concerning child labor. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."