

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

131st Legislative Day

May 14, 2002

Speaker Hartke: "The House will come to order. Members will please be in their chairs. We shall be led in prayer today by the Reverend Dewayne Taylor of the Dorrisville Baptist Church in Harrisburg. Reverend Taylor is the guest of Representative Jim Fowler. Guests in the gallery may wish to rise and join us for the invocation and for the Pledge of Allegiance. Reverend Taylor."

Reverend Taylor: "Let us pray, please. Heavenly Father, we thank You for this beautiful day that You have given us. And we thank You for this wonderful country that we live in and wonderful freedoms we enjoy. And we thank You for those who are willing to lay their lives down that we can have these freedoms. We thank You for that. God, thank You for being faithful throughout the years, we realize that You've been faithful in the past and You will be in the future. Father, we want to pray the... for the men and women that make up this Assembly, Father, thank You for their willingness to serve the public in the way that they do. Father, we realize that they need Your wisdom and we pray for that wisdom. We ask, God, that You'll help them to make the right decisions that they need. Guide them in their business today. And Father, thank You again so much for this country. In Jesus, I pray in Your name. Amen."

Speaker Hartke: "We shall be led in the Pledge today by Representative Fowler."

Fowler - 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 Hartke: "Roll Call for Attendance. Representative Currie for a report on the Democrat side."

Currie: "Thank you, Speaker. Please let the record reflect that

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Representative O'Brien is excused today."

Speaker Hartke: "Representative Bost."

Bost: "Good afternoon, Mr. Speaker. Let the record reflect that all Republicans are present today."

Speaker Hartke: "Mr. Clerk, take the record. 117 Members answering the Roll Call, a quorum is present and the House is ready to do the business of the state. The Chair recognizes Representative Stephens. For what reason do you seek recognition?"

Stephens: "Just two points, if you would, Mr. Speaker. The... For our northern Illinois friends, we'd like to get a copy of the text of today's prayer."

Speaker Hartke: "That can be arranged."

Stephens: "And then the second matter, for Republicans only. We got a new dress code on this side of the aisle and Michelle Thornley, back in Art Tenhouse's office, will do the daily approval of your attire, starting tomorrow. Thank you, Mr. Speaker."

Speaker Hartke: "Mr. Wright, for what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Wright: "Members of the House, I would like to introduce to you a group from New Wine Christian School in Lincoln, Illinois, who's in the balcony. If you'd stand up, please and if you'd join me in giving them a welcome to the Assembly. Thank you, Mr. Speaker."

Speaker Hartke: "Welcome to Springfield. Mr. Clerk, for an announcement."

Clerk Rossi: "Introduction of Resolutions. House Resolution 902, offered by Speaker Madigan is assigned to the Rules

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

Speaker Hartke: "The Chair recognizes Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. There are roads under water in central Illinois. There are houses under water and I want to let everyone know that our ball field is also under water. And we will not be having the game tonight. Senator Watson and I have met and we've talked about next Wednesday, May 22nd, as the game day. I don't think we'll be done by then, so we're gonna plan on next Wednesday, May the 22nd, for the game. Thank you."

Speaker Hartke: "Thank you, Mr. Brunsvold. Could I have your attention, please. The Chair would like to make an announcement. If Members would go to the Calendar on page 9 and check out the Concurrence List of House Bills. You're encouraged to file a Motion with the Clerk on your intentions to either concur or to nonconcur with those Bills. On page 2 of the Regular Calendar, on Senate Bills-Third Reading appears Senate Bill 1545. Representative McCarthy. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1545, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that changes the School Code to allow local fire departments and fire inspectors to add public school buildings to the list of buildings that they can inspect and give back a report as to the fire safety of the building. It came out of a problem in the area that Representative Zickus and I serve and we amended it the other day. There was two people in the... the committee

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who had a little problem with it. We limit it to a maximum of two inspections per year and I think that... and also that it has to be at a mutually agreeable time between the administration and the fire department. So, I think it's a very strong public safety measure that should be moved forward at this time."

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

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

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

Black: "Representative, I'm trying to figure out what problem this Bill addresses. I... In my district, the local fire departments, be they volunteer or full-time paid, have always had a good relationship with the schools. They're in there quite often. They coordinate fire drills, they coordinate fire prevention activities. What does this Bill do that isn't, in fact, already being done?"

McCarthy: "Well, I think that... I know that one of the Representatives from your side can vouch for me on this. Most school districts and fire districts have that kind of relationship in the state, but if you had one where they did not have a relationship and they went to the school in order to perform a fire inspection, right now, the way the law is today, they can say, 'no, you can't come in here.' That's not true for private schools, it's not true for private buildings, but it is true for public schools. It's an oversight in the code. They checked it out at the time that the refusal was made and they said that according to the School Code the public school district was correct in telling the people they could not come in and perform this inspection. Like I... What you said earlier, I think is

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true though, is that in most cases the schools welcome these visits because in the long run it's a money-saving thing for them 'cause if they can find it beforehand they can sometimes solve any problem if there is one before the problem occurs."

Black: "Well, I... you know, I really question whether or not a school district... I think it's an interpretation of the School Code. I have never believed and most of my superintendents would agree with me that they do not have the authority to deny access to their local fire department for the purpose of conducting a fire inspection or observing and scheduling a fire drill. But, be that as it may, why is the provision in here that a fire department official will review any and all plans for the construction of a new school?"

McCarthy: "That would be in order to ascertain the fire safety of the building or the addition to the building that is being built."

Black: "I thought under the existing architectural code that a certified architect would accept the responsibility to make sure that that building did meet all applicable fire codes and standards. I mean, it just seems to me like we're adding another layer of bureaucracy to go over a school building's plans and somebody could, you know, at the last minute somebody with the fire service could say, you know, I don't like the way these fire extinguishers are mounted on the wall. I want them flush and I want them all on the east wall facing west or the west wall facing east. Now, that may cost that school district several thousand dollars and you and I both know it doesn't do one thing to enhance the safety of the school. I mean, I... I really have a problem..."

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McCarthy: "Well..."

Black: "... expanding the number of people who come into a school building while it's still in the blueprint stage and say, we don't like this, we don't like that. You have to change this, you have to change that. Because ultimately, the taxpayer foots the bill. And I would think that an architect, one who is qualified and I can't imagine a school district hiring one who isn't qualified, and the building codes that exist, all of that would be taken care of, without bringing somebody else to the table to review plans and say, uh, uh, uh, don't like that, don't like that at all."

McCarthy: "Well, you know, first of all, these fire inspectors, like the architects, are professional in the job they do. I think they would be reluctant to go in there and just try and be nitpicking. I guess, we can look at it as the devil's advocate side of almost all legislation. However, if it's brought to the attention, when people think that there's a matter that is a danger to the students, they go to their local fire district. Our local fire district, the Palos... North Palos Fire Protection District, went to them and said we wanna... you know, come in and look over the plans and they said, we don't have to show 'em to you. And like you say, almost every district between fire districts and school districts have very, you know, mutually agreeable situations where they work hand in hand with each other and plus, the other thing is, it's much better to find out on the in... up front rather than after the fact because then it can be done at a much less costly... if there is something that needs be done and from what I understand from the school superintendents that I've talked to, they would love this information up front rather than

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wait 'til it's over. And then during like a fire drill say, hey, wait a second, these things are, you know, are not exactly where we'd like 'em."

Black: "Okay. Thank you very much, Representative. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I think the Sponsor just indicated a very factual issue on this Bill and that is that most school districts cooperate with the fire service and we have no problem. Rather than go after those districts who do not have that relationship or who take a very short-sighted attitude and refuse to let fire officials in the school, those districts should be sanctioned, fined, punished, or whatever. But this Bill lumps all of them together and says, you will do this and you will do that, when, in fact, I believe the Sponsor has indicated most districts are already doing this. So, we're just adding another layer by statute of the bureaucracy that encumbers our local school districts. I happen to represent a community that had a very serious fire about five years ago in an elementary school, while school was in session. And this particular building was about 90 years old at the time. And because... and this was a serious working fire, but because of the relationship with the Danville Public Schools and the Danville Fire Department, Garfield Elementary School was evacuated in about 90 seconds. I think it was almost 400 kids got out of the school, a two-story school, safely. No one was injured, no one was put at risk by the fire. The fire department quickly came upon the scene, extinguished the fire, and while there was considerable damage in the high six figures, the school was eventually put back together and is now currently serving students again and will soon,

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I think, in about 18 months, it will celebrate its 100th birthday. It'll be 100 years of serving the students of Danville. That... that's an issue we may want to get into in the school construction program. But my point is, most school districts have a very, very cordial and working relationship with their fire service because they know they need to do that, they must do that. And I think I would be more inclined to vote for this Bill and it's gonna get 95, a hundred votes, it did the last time it was in here. I would be more inclined to vote for the Bill if we put all of our resources focused on those districts who do not foster that working relationship with the fire service, put sanctions or mandates on them. But to include all school districts in this Bill, subjecting their plans to another layer of review and every layer of review costs money and that money gets harder and harder to come by. I can't in good conscience vote 'aye', although I do think the Gentleman has a good Bill. I just wish we would learn to concentrate on those who don't follow the law or who don't use common sense rather than lump all of them together and make the ones who do comply and who do have that working relationship bear some measure of cost on the additional layer of review that their plans will have to go through from now until eternity should this Bill become law."

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

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

Speaker Hartke: "Sponsor will yield."

Davis, S.: "Representative McCarthy, I think that your idea for this Bill has a lot of merit because I think the safety of our school children certainly are the number... should be our number one priority. However, I do have some of same

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concerns that Representative Black had whenever we're lumping all these school districts into the same category. 'Cause my question is, right now, do the regional superintendent's office do more or less all of the safety inspections for the school districts?"

McCarthy: "The regional superintendent does... they don't have annual fire inspections, no, but they do approve the plans that when they're having a new... a renovation of any size or a new building."

Davis, S.: "But currently, then, is it a requirement of law that all fire departments or it has to be fire departments that do the safety inspections of the schools or the regional superintendent's office actually doing that right now?"

McCarthy: "The regional superintendent's office are doing it, but they are not fire experts. They're looking at all the educational code violations or requirements."

Davis, S.: "Well..."

McCarthy: "They're not really experts in fire safety as fire safety individuals are, which is why this is supported by all the fire safety groups across the state."

Davis, S.: "Well, one of the problems that I can see certainly in my district is we could take, for example, the Bethalto School District which expands not just within the Village of Bethalto, okay. So, we have a volunteer fire department in the Village of Bethalto and they're very competent and they could do the job. However, they also have schools in unincorporated areas that are not within the village that have volunteer fire departments, very small volunteer fire departments and as a matter of fact, a couple of those fire departments are having trouble just keeping the number of volunteers up within their fire departments, just to do regular business as a volunteer fire department. Now,

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these small volunteer fire departments I don't know that they have as much expertise as the current superintendent of schools in Madison County does because I know that in Madison County, for example, the regional superintendent of schools has full-time people on the job that do this all over our county and go in and inspect our schools. And I'm just wondering whether maybe we should have made this permissive instead of mandatory that we require the school districts to have an inspection by the fire departments, 'cause some of these volunteer fire departments truly do not have the personnel, do not have the time to go in and do a thorough fire inspection for some of these schools."

McCarthy: "I agree with you and that is why... it basically is permissive. I mean, it's not in mandated that they have to do this every year. It's mandated they can't do it more than twice a year, so they can't be a burden on the school district. The smaller fire districts, that's why they in the Senate amended it and asked them to add on that they could ask the Office of the State Fire Marshal for his expertise in a case where they felt that was necessary, if a local volunteer fire department didn't have that. So, that's the only time that the state fire marshal would be brought in, if they thought they needed his expertise."

Davis, S.: "So, if I heard you correctly... It's awful noisy in here, Speaker. Speaker, Speaker."

Speaker Hartke: "Yes, Sir."

Davis, S.: "It's awful noisy in here."

Speaker Hartke: "Shhh. Shhh."

Davis, S.: "So, if I heard you correctly, you said if the small volunteer fire departments cannot handle the job that they would bring in... they would request that the State Fire Marshal's Office come in and do the inspections?"

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McCarthy: "If they need the expertise, they could... they could then request the state fire marshal to come in and help 'em with that. But that would be at the urging of the local fire department or local volunteer fire department or fire department."

Davis, S.: "Now, I look on the analysis and I don't see that the regional super... Are the regional superintendents of schools opposed to the Bill or not? Do you know?"

McCarthy: "You know, by the time we amended it there was... I think SCOPE was the only people who still filed a... either a 'no merits' or 'in opposition'. SCOPE is a proponent, I'm being told over my shoulder here. So, I think after we amended it... they just wanted to make sure it wasn't burdensome. The fire districts wanted to make sure that it wasn't mandated that they had to do it every year, 'cause they said, you know, they're supposed to do private schools today and many times they don't get around to 'em every single year. They wouldn't want it if it was mandated like that. So, it's kind of a wide-open thing. So, if they do get complaints from local people, they can go in and check it and then get back to their taxpayers, as well. So, I don't think the fire district is gonna be like... I mean, they have enough work to do already, especially in volunteer situations. They're not going to be looking for other places to go to unless they feel there is a need and when that need it there, their expertise will be very valuable to the school children of our state."

Davis, S.: "Is there a provision in here for compliance to the inspection? Let's say, the fire department comes in and inspects the schools, is there anything in here that requires the schools to comply with the recommendations of the fire department after the inspection?"

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McCarthy: "Just... just loc... just the already current School Code or I think it's the BOCA Code for buildings built after 1995. But it's got no additional codes to it. It's just the existing code already, that they use when they inspect every other building."

Davis, S.: "Now, I'm not in opposition to your Bill, but I think that these questions need to be cleared up. Was there something particular that precipitated this Bill in the first place to where schools were not being inspected properly?"

McCarthy: "Correct. And that's the thing and it was a good point made earlier by our friend from Vermilion. This will in no way change anything between fire districts and school districts that have a great working relationship. This will not change anything for them. Now, in the case that precipitated it was the Palos Fire Protection District was told that they had no right to do this, that the regional office superintendent would have a right to do it, but they would have no right to do it. It was actually a shock to most of the people of our area. They thought the school was way out of line when they said that, but as it turned out, according to School Code, they were correct. And that's why Senator Mahar and myself and Representative Zickus, Representative Crotty have chosen to move forward with this."

Davis, S.: "Well, I certainly agree with your premise of the Bill. I just hope that we're not opening up a whole new can of worms."

McCarthy: "I do, too."

Davis, S.: "I agree with this legislation and I can understand if this could end up being a nightmare if you have some demagogue in some local fire district that wants to..."

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McCarthy: "And I think that's why..."

Davis, S.: "... make headlines."

McCarthy: "... why the Bill passed overwhelmingly out of committee. There was only 2 'no' votes, but I still went back and amended it on the floor last week to make sure of that, which is why we limited it to two inspections per calendar year. So, if there was a fire district that was overzealous and trying to be a pain to a local school district, they're limited to two inspections a year at a mutually agreeable time. So, even the two opponents in committee said that that satisfied their complaints."

Davis, S.: "Thank you, Representative."

McCarthy: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Representative Mathias. Ladies and Gentlemen, can we please tone it down. Shhh, shhh, please. Representative Mathias."

Mathias: "Thank you, Mr. Chairman. Representative McCarthy, isn't it true that at the present time fire departments really have no access to the plans of new school buildings or even existing school buildings?"

McCarthy: "Public schools, yes."

Mathias: "And if you had a... that's a good point which you just raised. If you had a private school sitting next to a public school, all of the rules that you're trying to implement under this Bill would already apply. Is that correct?"

McCarthy: "That is absolutely correct. Thank you."

Mathias: "And if there was, for example, a fire or some tragedy in the school, in some cases where the fire department just does not have the plans, could this actually because they don't know all the areas of the school building, could this

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not lead to the safety of the children and teachers in the building because they don't have the plans to maybe be able to locate where some of the... where the fire actually is."

McCarthy: "Well, it certainly could, especially in a... in a time that was very close to the recent construction or something. I think the normal course of fire drills, if the building's been there for a while, through the normal course of fire drills the fire district would make itself very well acquainted with the building, but certainly in the beginning, you're absolutely right."

Mathias: "To the Bill. Recently, we passed House Bill 5780 and that Bill passed this chamber by a vote of 107-10 and basically, that dealt with not only the issue of fire, but expanded it to building, plumbing, and other inspectors. That Bill, of course, is now sitting in the House... I'm sorry... the Senate Rules Committee as many of our fine Bills are sitting. But I urge you to, the Members of the Gen... of this House to support Senate Bill 1545. It is a school safety issue when our fire departments can't get into the schools to inspect and don't even have the plans to those schools in case there is an emergency. Thank you."

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

Zickus: "Thank you, Mr. Speaker. I rise in support of this Bill and I commend the Sponsor for all of the work that he's put into this to get it into an agreeable form. I would invite each of you to come out to our school district to see a major expansion program that's been taking place over the years, up to a hundred and forty-five million dollars. I happen to live just a block away from one of the schools..."

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Speaker Hartke: "Shhh."

Zickus: "... and on numerous occasions we have seen the buildings evacuated. So, I strongly urge your support on Senate Bill 1545."

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

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

Speaker Hartke: "Sponsor will yield."

Mitchell, J.: "Representative McCarthy, right now, school districts are under the authority of the state fire marshal for the State of Illinois. If there are times when the school district would like to appeal a ruling by a local fire department is there an avenue of appeal within your Bill?"

McCarthy: "There's no avenue of appeal within the Bill, you're... other than the natural interchange that they would have."

Mitchell, J.: "So, in other words, if there's a ruling made by a local fire department and the superintendent disagrees with that ruling, in fact, even the regional office of education might disagree with that ruling, they can't appeal that to the state fire marshal and have a change in that ruling? I mean, is this... is this law prohibitive or changin... changes the law that we have now?"

McCarthy: "I know it doesn't prohibit that. You're correct about that and I would assume that they can still go to the state fire marshal to overrule it or with the local to... but it's not spelled out there. I..."

Mitchell, J.: "My concern is not for new construction. My concern is not for the... for the local fire district having a copy of the construction plans. In fact, they can now talk to the State Fire Marshal's Office and get those plans locally. The State Fire Marshal's Offices tells me

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that they would not deny a local fire department from having those plans. So, there is an avenue open to local fire districts. The concern that I have is exactly what I heard last week from one of the superintendents that was down here and he simply said, 'I'm glad you spoke up with concerns about this... this legislation.' He said, 'just last week I had a local fire department person come in as a parent and then came to the principal and said, you've got way too much paper on the wall, you need to get it down or you're gonna get in trouble.' And it was a student display of good penmanship. Now, those are the kind of situations in small school districts that may occur. I listened to when the House Bill went through with all the local fire departments talkin' about what a wonderful relationship they already had with their local school district and that this Bill would allow them to build better relations and I... I really believe it'll do just the opposite. When all the power is in one court I don't think it's gonna get... build good relationships, I think we're gonna see abuses of this law. I think they're gonna carry it to an extreme. I would hope that in the future that there is a Bill that allows some kind of an appeal process to back the state fire marshal, so that at least superintendents have a way to maybe get out from under burdensome rulings that will cost them inordinate amounts of money and have very little to do with the safety of the building. I'm not saying all fire departments would do that or all firemen. I think their intentions are honorable and I think they do a wonderful job. But there are times when this can happen or can occur and I think we need some kind of an appeal process in this whole situation. Thank you."

McCarthy: "Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Osmond: "Kevin, up in our neck of the woods in the Chicago area, most of the communities have building codes. It's my understanding that in some parts of the state there are no building codes and I'm wondering what authority the local fire departments will have and where will they get their source of information to render these decisions and requirements for the schools?"

McCarthy: "I was told that that came up in committee and it came out in testimony that it's not changing any of the codes that they'd have to adhere to, these are codes that are already in place through either School Code, local building codes. It wouldn't change 'em in any way or the BOCA requirements for new buildings after, I think it was, 1995. I may be within a year or two there."

Osmond: "Is it your understanding then that any school constructed anywhere in Illinois must follow some set of building guidelines or codes?"

McCarthy: "Correct. Under the School Code, they must."

Osmond: "Would this prohibit a fireman who has attended maybe a National Fire Institute of Safety and there was a good idea over in Iowa that's used, could they use that good idea and make that a requirement in this school district?"

McCarthy: "I don't think so. They basically would go through a fire inspection as they do for all, ya know, private buildings today and private schools and then they'd make their referrals. If they found something they found was... they thought was imminent danger then, of course, they would ask for immediate action on it, but..."

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Osmond: "But it..."

McCarthy: "... it's basically a critique that, you know, the schools I think would be well-served to have it."

Osmond: "But if... but if..."

McCarthy: "I guess if that came up, though and in the course of their inspection at the mutually agreeable time, that then they could suggest that and the school district... if it wasn't in the code, they couldn't make them do it, but if it was something that the school district thought was wise, then they certainly would have the ability to change it and do it."

Osmond: "So, the... so, the overriding code, even if you're in a county or municipality that does not have any local building codes, you think would be covered in the School Code, construction code?"

McCarthy: "I believe so."

Osmond: "And that a fire department then couldn't be anymore restrictive than one that's in the School Code now?"

McCarthy: "Correct."

Osmond: "Okay. Thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Hoeft: "First off, I'd like to compliment the Sponsor. He has taken two of the ideas that were brought up..."

Speaker Hartke: "Shhh."

Hoeft: "... in the committee and he has implemented them into the law, it makes it a lot easier. I still am very concerned with this term 'imminent danger'. If they find something in the inspection that is something that falls under the category of imminent danger then, in fact, immediate action

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must be taken. Are there any standards for that term 'imminent danger'?"

McCarthy: "Well, of course, 'imminent danger' is defined by the fire inspector at the time. And as we spoke of in committee, these fire inspectors are professionals and for them to demand that something be changed immediately because of imminent danger, they would be putting their reputation as a fire inspector on the line and I don't think they're gonna be overzealous, I think that they'll be responsible. I guess, it's like the appeal thing. If at down the road we see that people are overusing it, maybe we need to change things, but, you know, that's on every piece of legislation."

Hoefl: "I was wondering if, in fact, there could be some compromise in terms of saying in this record here, in the debate, that that means also meeting with the school board and having some agreement on the term 'imminent danger'. I'd hate to have one person deemed able to define that when there are no standards."

McCarthy: "Well, you know, they already do that for, you know, the private buildings or the private schools. They... they would say, we think this is an area of imminent danger here and right now, it's not as tight as far as, you know, how soon they have to fix it, they have to do it within the year. But I feel confident that the fire inspectors will be responsible and I don't think they would ... I don't think they're gonna use this willy-nilly. Imminent danger is a pretty... a strong term and so I think only in that case would a fire inspector want to put his name on the form that said it was imminent."

Hoefl: "For the public record then, you would say that before this would be declared, the fire person should go and work

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out this with the school administration."

McCarthy: "That is certainly the intent, that they would work with them and say, these are some things that we see... I mean, I think this is a real service to the school districts and the superintendents I met with last week and told them about this Bill coming up, I mean, and they thought it would be a service, as well to get this thing every year. I mean, they don't expect 'em to find things of imminent danger in their schools because these are all well-equipped and well-staffed schools. But other smaller changes that they may recommend, they see as a real service."

Hoeft: "The second problem that I have is then the finances of trying to solve the immediate danger and that... the question is, what happens if it's a capped county? Again, I would assume compromise is the appropriate way. I think this is a good Bill. I'm going to be voting for it because the Sponsor has worked heavily at compromising. I think, it could, however, cause considerable trouble if, in fact, used as a vindictive tool some places of the state. Thank you."

Speaker Hartke: "Representative McCarthy to close."

McCarthy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I thank you for the wise exchange of ideas here. I do think this is overwhelmingly, is very positive. I think we can rely on our fire district personnel across the state not to be overzealous or to be a hindrance to the operations of their local school districts. And as far as the appeal process, I think that may be something we need to look at in the future, if it becomes necessary. So, I thank everyone for their comments and I would ask for the passage of Senate Bill 1545."

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Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1545?' 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. Kenner, would you care to vote on this issue? Mr. Clerk, take the record. On this question, there are 108 Members voting... 107 Members voting 'yes', 5 Members voting 'no', and 5 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Burke. For what reason do you seek recognition?"

Burke: "Thank you, Mr. Speaker. On a point of personal privilege."

Speaker Hartke: "State your point."

Burke: "I'd like to take an opportunity to wish my seatmate, who has just celebrated her 30th birthday yesterday, and I'd like to take a moment and I think it's... very, very few folks around here understand that Susana was a champion soccer player in college and in order to remember those days, long gone by, our row has taken the opportunity in... to sign a nice soccer ball to commemorate Susana's 30th birthday. Any Member that's interested you're more than welcome to come on over and indicate your good wishes on the soccer ball. So, happy birthday, Susana Mendoza."

Speaker Hartke: "Happy birthday, Susan. The Chair recognizes Representative Jefferson. For what reason do you seek recognition?"

Jefferson: "Thank you, Mr. Speaker. I rise to a point of personal privilege."

Speaker Hartke: "State your point."

Jefferson: "I'd like to recognize a group from the great City of

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Rockford, Illinois, that's traveled all this way to Springfield. Rock Valley College in the balcony. If you'd please stand and welcome my Rock Valley College to Springfield. Thank you."

Speaker Hartke: "Welcome to the State Capitol. Mr. Clerk for a Committee Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 14, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' House Resolution 902; to the Order of Concurrence House Bill 173, House Bill 3210, House Bill 3812, House Bill 4371, House Bill 4407, House Bill 4953, House Bill 5343, House Bill 5578, and House Resolution 771."

Speaker Hartke: "Mr. Clerk, what is the status of Senate Bill 1936?"

Clerk Rossi: "Senate Bill 1936 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purpose of an Amendment at the request to the Sponsor. On page 2 on the Calendar, on Senate Bills-Third Reading appears Senate Bill 1622. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1622, a Bill for an Act creating the Fire Sprinkler Contractor Licensing Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1622, as amended, is the Automatic Sprinkler Contractors Act which is the licensure of fire sprinklers installers in the State of Illinois. This is a matter

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we've been negotiating for the last two years. As I explained when we attached the Amendment, we have been able to put everybody together on this Bill: the homebuilders, the State Fire Marshal's Office which will administer the licensure, the Illinois... the Illinois Municipal League. All the parties are now in agreement. I would ask for your approval."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1622?' 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. Kenner. Mr. Colvin. Mr. Clerk, take the record. On this question, there are 75 Members voting 'yes', 41 Members voting 'no', and 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1565, Representative Novak. Mr. Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1565, a Bill for an Act concerning energy efficiency. Third Reading of this Senate Bill."

Novak: "Thank you, Mr. Speak..."

Speaker Hartke: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple Bill. It requires that the Energy Efficiency Loan Fund that is used through the Illinois Finance Development Authority and also through the Department of Commerce and Community Affairs be a... allowed to... to be utilized by groups... organized groups in the aggregate such as the Center for Neighborhood Technology in Chicago among other groups. And it's... to me it's a prudent gesture to involve other groups in the

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disbursement of energy efficiency resources around the State of Illinois to promote energy efficiency. Thank you and I'd be more than happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1565?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. Mr. Black."

Black: "I'm sorry, Mr. Speaker. It's hard to hear in here. I apologize. I had to put my light on late. Will the Sponsor just answer one quick question?"

Speaker Hartke: "Sure."

Black: "Representative, I apologize for being late. The Bill..."

Novak: "Mr. Bl..."

Black: "... gives priority to governmental units, but I see no language that says anybody can apply, a private homeowner, a private business. That's... Is that your intent?"

Novak: "Yes."

Black: "Okay. Fine. I don't have any problem with that. Just wanted to make sure."

Novak: "It's kinda hard to hear in here, Mr. Black..."

Speaker Hartke: "Shhh."

Black: "What?"

Novak: "... but I heard ya."

Black: "What?"

Novak: "Thank you, Sir."

Black: "I'm sorry."

Novak: "It's kinda hard to hear in here, Mr. Black, but..."

Black: "Yes, it is."

Novak: "Did I answer your question..."

Black: "Yes, it is."

Novak: "... correctly? Thank you, Sir."

Black: "Particularly, when we have someone in the Chair who's

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hard of hearing on even a good day, but that's neither here nor there."

Novak: "Well, no... no wait... he... Mr. Black, he should be awfully happy. I understand the President just signed that little eensy, teensy farm Bill... farm Bill in Washington."

Speaker Hartke: "Further discussion on Senate Bill 1565?"

Novak: "So, let's talk to him about that farm Bill, Mr. Black. Let's get some comments from him about that farm Bill."

Black: "Mr. Speaker, he's answered my question. He's out of order."

Novak: "Thank you."

Speaker Hartke: "I think so, too. You're out of order, Mr. Novak. Further discussion on Senate Bill 1565? Seeing that no one is seeking recognition, Representative Novak to close on the subject of Senate Bill 1565."

Novak: "Well, yes. Mr. Speaker, thank you very much. I know there are no soybean, corn, peas..."

Speaker Hartke: "The question is..."

Novak: "... or lentil subsidies in this Bill, but I think it's a good Bill that everyone should support. Thank you."

Speaker Hartke: "The question is... All those in favor of Senate Bill 1565 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. Kenner. Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1583, Representative Capparelli. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1583, a Bill for an Act in relation to persons in military service. Third Reading of this Senate

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Bill."

Speaker Hartke: "Representative Capparelli."

Capparelli: "All right. Thank you, Mr. Speaker. House Bill... the Senate Bill 1583 is the same as House Bill 5823 which passed out 117-0. What is does it provides the Illinois National Guard members on active duty lower rates of interest on mortgage and loans, temporary deferment on income tax payments, and temporary halting of eviction, foreclosures, and defaults. These civil relief measures are offered by the Federal and Sailors' Civil Relief Act and provide to soldiers on active duty under the command. This extends it to the Governor who controls the National Guard. I ask for a favorable Roll Call."

Speaker Hartke: "Is there any discussion on Senate Bill 1583? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1583?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1690, Representative Saviano. Mr. Clerk, please read the Bill. 1690."

Clerk Bolin: "Senate Bill 1690, a Bill for an Act in relation to professional regulation. Third Reading of this Senate Bill."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1690 is the rewrite of the Irrigation Lawn Sprinkler Act. As everybody remembers, a few years ago we went through about a year of negotiation. We gave it a two-year

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sunset to see how it was working out. It sunsets this year and now it renews it for an additional ten years. We've worked very hard on this Bill and I would ask for your approval."

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

Rutherford: "The Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Rutherford: "How was it workin' out?"

Saviano: "Actually, from our reports from the Department of Public Health who oversees the Plumbing Licensing Act and our municipalities and our irrigators and our landscape architects, everybody's working together and it's been working real well. We've had no complaints."

Rutherford: "So, the way we drafted it that was now being sunset, is there anything substantively being changed to this?"

Saviano: "No, not at all."

Rutherford: "And everybody's happy with it. The sprinklers are all workin'."

Saviano: "The sprinklers are working."

Rutherford: "What do the cosmetologists think about it?"

Saviano: "I'm sure they're not happy that I used that Bill as a vehicle."

Rutherford: "Thank you."

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

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

Speaker Hartke: "Sponsor will yield. Shhh."

Black: "Representative, as you know, I've talked to you several times over the years about this Bill along with one of our colleagues from the northern part of the state. I have a

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young man who's a irrigation contractor in Danville and we're more or less a small community, rural and under the existing law, the law prior to the sunset, it was very difficult for him to get a plumber to come out and do the necessary work. I just want to make sure that this, what you're proposing today, will still let him install irrigation systems, but it still, I think, has a plumber do the backflow preventer?"

Saviano: "The backflow preventer, by State Law even previous to this legislation, had to be installed by a licensed..."

Black: "Right."

Saviano: "... plumber."

Black: "Okay, but this Bill will then let contractors throughout Illinois, particularly in the rural areas, who have been installing lawn irrigation systems for 15, 20 years they will not have to have a licensed plumber on staff or hire a plumber to stand there and help them put the system in. Correct?"

Saviano: "Right. After... after the backflow preventer, we've drafted the legislation two years ago so in the rural areas where there aren't readily available licensed plumbers that these... these registered irrigation contractors, as we set it up, can go ahead and put the system in."

Black: "Okay. Now, does it... what does it take to become a registered irrigation contractor? A test or..."

Saviano: "No. No test. It's simply a registration so we know who's doing business out there."

Black: "All right. And we've added no fee to the..."

Saviano: "No fee."

Black: "... irrigation contractor?"

Saviano: "We have not added any fee."

Black: "Than... thank you very much."

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

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

Speaker Hartke: "Sponsor will yield."

Lang: "Representative, do the plumbers' unions have a position on this Bill?"

Saviano: "Yes, they're for the Bill. That's who we negotiated with, Local 130, the plumbers' union in Chicago."

Lang: "Well, they're for the Bill or they negotiated to this position and they're settling for the Bill. Which is it?"

Saviano: "Yeah. They're... Everybody, actually they're for the Bill 'cause we made sure that, you know, large... large jobs, industrial commercial jobs, would have to have... if they break this threshold, they would have to have a licensed plumber on staff."

Lang: "So, there's no opponents that are known to you to the Bill?"

Saviano: "Absolutely no opponents."

Lang: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Saviano... oh, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Senator Watson's here. He's measuring some of the House Members to see if they've gained any weight for the softball game and he's scoping out the area. So, everybody on the floor, don't tell Senator Watson anything."

Speaker Hartke: "Okay. Representative Fowler, would you like to address this Bill? Representative Fowler."

Fowler: "Yes, Sir. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Fowler: "Representative Saviano, you stated and I believe you

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said, plumber's Local 130 was in agreement with this Bill. Have you been in contact with any of the downstate plumbing unions on regards to this?"

Saviano: "I believe through the Department of Public Health, they've represented a lot of the interests for all the other plumbing unions because obviously, they had to protect the Plumbers Licensure Act which this... this... which comes into play with this Bill, but our primary negotiations were with Local 130."

Fowler: "All right. Thank you."

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

Saviano: "I would just like to thank everybody who was involved in this process. It wasn't an easy issue to hash out. We were able to do it. And I would ask for your favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1690?' 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 were 115 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 2 on the Calendar, on Senate Bills-Third Reading appears Senate Bill 1627. Representative Brunsvold. Out of the record. Senate Bill 1637, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1637, a Bill for an Act concerning telephone solicitations. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Reitz."

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Reitz: "Thank you, Mr. Speaker. Senate Bill 1637 deals with telephone solicitation for cell phones. We had discussed this one earlier last week and had met with people on the other side of the aisle with Representative Scott and if he has any questions, I'd be happy to answer them."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1637?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1820, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1820, a Bill for an Act concerning hospitals. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. We discussed Senate Bill 1820, I believe it was, last week and it deals with hospital mergers and medical staff bylaw protection. And there was a Gentleman on the other side of the aisle who had some concerns about why Cook County Hospital was exempt. I believe, all of his questions were answered and I'd be glad to answer any more questions."

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

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in support of the Bill. I thanked the Sponsor for taking the Bill out of the record,

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so that I could look into why all hospitals were covered except the one in Cook County. The answer, from several different people, have satisfied my... that there is nothing untowards, nothing out of the ordinary here. This hospital is unique. It's probably the biggest in the State of Illinois. It doesn't exactly operate the way that other hospitals do and it would be to no one's advantage to include them in this law, in fact, it would simply be redundant to do so. So, I do appreciate the Sponsor's indulgence, giving all of us a chance to find out why we were exempting Cook County Hospital, so that when we're asked this back in our districts, we have a reasonable answer. And it's with her cooperation that we were able to get that answer and I appreciate it and I intend to vote 'aye'."

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

Feigenholtz: "I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1820?' 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 116 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 7 of the Calendar appears... on Second Reading appears Senate Bill 2024. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 2024, a Bill for an Act in relation to criminal law. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2... Floor Amendment #2,

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offered by Representative O'Brien, has been approved for consideration."

Speaker Hartke: "With leave of the Body, Representative Cross will present the Amendment. Leave is granted. Representative Cross."

Cross: "Thanks. Amendment #2 is fairly short and sweet. It does several things. One, and I will add that it's an Amendment done at the request of the State Police. This is a Bill that's had a great deal of work done on it. This is the State Police final suggestion to improve this Bill. One part of this Amendment requires or clarifies the requirement... that the requirement to submit a DNA sample applies only to those individuals convicted of a felony after the effective date of this Act. It also retains or allows or provides that misdemeanor aggravated criminal sex... sexual abuse would be an offense for which a sample must be provided to the database. That had inadvertently been taken out in the original Bill. I'd be glad to answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Davis, M.: "Representative, is this the legislation in which you want to establish a database of convicted felons of sex crimes or other felonies?"

Cross: "I think, Representative, and try to answer your question, this only deals with the Amendment with these two things. One with... when the information is gathered and to add one more offense. We already have a database and I... and you... I assume you know that. I know and I'm not trying to suggest that you don't, but we already do have the

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database in place."

Davis, M.: "The database that you have is for sex criminals. Is that correct?"

Cross: "Mainly sex crimes, correct. And some other ser..."

Davis, M.: "Excuse me."

Cross: "Mainly the sex crimes, but there are some other crimes of a serious nature that'll fall into 'em, as well... fall into the requirement, as well."

Davis, M.: "Representative, why do you think this would be necessary? Why is this necessary?"

Cross: "If you're asking me about the Amendment, Representative, the Amendment is done at the request of the State Police since they're gonna be the ones collecting the data and they wanted to clarify this to when this would go into effect. And I think, as I said, the requirement to submit the DNA sample would only apply to those people convicted after the effective date... effective date of this Act. So, they want... this Amendment's done at their request and I believe that, I think it's fair to say, be... someone can correct me if I'm wrong, that a great deal of... there have been several organizations, if not numerous, working on this legislation to make it a better piece of legislation and not just the State Police. In fact, I think, the ACLU was involved in negotiating this Bill, as well as the Illinois State Bar Association. So, I didn't want you to think it was just that the State Police came along and said, all right, this is what we're gonna do."

Davis, M.: "So, actually, we'll be setting up two different levels of criminals. We'll have one level of criminals whose DNA is on file and we'll have another level of criminal whose DNA is not on file. Is that correct?"

Cross: "Well, Representative, assuming this Bill passes and is

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signed by the Governor, all of the... all those convicted of felonies after the date of this... the enactment of this Bill or when it becomes law, would be subject to this... the requirements of this Bill with respect to the database in giving DNA samples."

Davis, M.: "Representative, you're familiar with the fact that the State of Illinois had to release 13 or more people from death row because they were falsely, erroneously accused and the DNA, in some of those instances, helped to prove their innocence. Is that correct?"

Cross: "I'm not sure I followed your question, Representative. If you can repeat it, I'd appreciate it."

Davis, M.: "I'll repeat the question."

Cross: "Okay."

Davis, M.: "You are aware that 13 or more death row inmates were released from prison in the State of Illinois because they were erroneously accused and incarcerated, but many of them were released based upon the DNA test. The DNA test proved that they were innocent of those crimes."

Cross: "I know that DNA has been very helpful to do that, you're right."

Davis, M.: "So, my concern, Representative, is if you have a sample of their DNA, then what would prevent you from saying that they are guilty based on the DNA that you already have?"

Cross: "Representative, I'm... want to make sure I'm following your line of questions so I answer it correctly. I... It seems to me that the more information that collect or the more access we have to DNA and the more... and we expand the database and have access to it and make sure people are able to utilize it, that is of a benefit to those charged with a crime."

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Davis, M.: "It's a benefit, Representative, if your system is trustworthy and honest. Let me repeat that. If your system is trustworthy and your system is honest, then the more information you have, the more likely that person is to be given a fair trial. But if you have a system in which inaccuracies have occurred, when you have a system when facts have been blurred, when you have a system that has proven unjustly to incarcerate over 15 or 16 people for many, many years, you do not have a system, in my opinion, that is worthy of maintaining a database of DNA of these people, because you can use it against them to justify your holding them unjustly. You would remove from them the only opportunity they would have to prove their innocence. You would take it and now, you would be in control of the only evidence they would hold in order to prove their innocence and I think it's not a good thing to do, Representative."

Cross: "And Representative, I'm not trying to be... Was that a question?"

Davis, M.: "It's a question. Don't you agree?"

Cross: "I'm presenting an Amendment that's... one of your colleagues, that deals with the request of the State Police to do two things: 1) determine when we're gonna start taking DNA samples and whether or not we include, as an offense, that would require a submission of a sample whether or not we would include misdemeanor aggravated criminal sexual abuse as one of the offenses for which a sample must be submitted. Those are the two issues, primary issues, dealing with... that this Amendment deals with."

Davis, M.: "Okay. To the Amendment, Mr. Speaker."

Speaker Hartke: "Shhh."

Davis, M.: "I believe re..."

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Speaker Hartke: "To the Amendment."

Davis, M.: "... regardless to the date that we are seeking, that this is flawed legislation. That it put... It will put lots of innocent people in jeopardy without recourse, without recourse to prove their innocence. I don't believe this Amendment nor this Bill should be accepted at this time. I believe that Governor Ryan has proposed with a commission that we look very, very carefully at our judicial system and make those changes that are necessary to make sure every citizen in the State of Illinois is treated fairly and not unjustly. And I believe that this piece of legislation merely attempts to put a nail in a coffin of more innocent people. The system is flawed and it should not be given any more rope. I think we should have a 'no' vote. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Dart. Ladies and Gentlemen, please, let's tone it down in here. It's very difficult to hear today. Shhh."

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

Speaker Hartke: "Shhh. The Sponsor will yield."

Dart: "Tom, just a couple quick questions. One of the... This is an issue that I've worked on for quite a few years now. One of the major concerns that was brought forward about this issue was that by any type of expansion whatsoever of the database was going to cause the State Police a great deal of problems. What is it in this Bill that is not going to do... 'cause frankly the thing the State Police has said categorically and if the Bill left the House, they told me the same thing, there was nothing that cured the problem here... it was that we can't pay for it. And so, if you guys don't attach money to this, all it's gonna do

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is it's gonna increase the backlog of the DNA file, right now and it will delay us getting to more serious cases. Is there some funding mechanism in here, because last time the Bill was up we just talked about there's some federal funding out there and there's none that I found and I looked. I couldn't find any. So, is there some funding mechanism that's gonna make this work?"

Cross: "Tom, what they've done and again, that's in the underlying Bill and not in the Amendment and you ask a legitimate question. Apparently, not apparently, at one point there was a mandatory fine of \$500 assessed which as you know, in the real world isn't gonna get paid. So, in this version, it's been dropped to \$200 with the hope that... there are approximately 77 thousand felony convictions in the State of Illinois and that even if you get half of those, if you're able to collect half, that that will... there's the belief that that will help fund this system and set up the database so it can work efficiently. So, they'd re... they've more than... they've cut it in half... a little more than cut it in half, from 500 to 200. And that's... that's the goal that we can at least, as I said, collect half if not more to... of the 77 thousand."

Dart: "And your point's well-taken. This is the Amendment, not the Bill. So, it's not probably the best time for me to ask some of these questions."

Cross: "No, it's fine."

Dart: "No, but between now and then, if you could have the staff maybe run by me any information they have on the funding side of it, because as I said, from working on this from years and just like yourself being a former state's attorney, this is something we're very much in favor of is

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expanding this database. But our problem has been that there's... there's cases that are frankly laying unsolved and there's a serious one, murder cases that are unsolved right now. The DNA's been taken, it has not been analyzed and the State Police doesn't have the money or the people to do it. And their turnaround time on hiring new staffers to do it is about, I think, about three or four years until they're fully trained. So, it's a very, very complicated problem. It sounds very good to test everybody, but the reality of it is unless we put the funding mechanism in, we're gonna create some serious problems for them. So, if you could have someone from the staff, maybe between now and Third Reading, let me know if there is a funding mechanism out there."

Cross: "Tom, and we'll do that and work with you guys. I just reiterate and Scott's helping me, remind me of this. The numbers show that we have about 35 thousand people in DOC and the belief is that the other half of that 77 thousand with felony convictions are on probation. It is a mandatory fi... mandatory cost of that 200, so there's the belief that a good number of those people we will be able to collect from, certainly not those going to DOC. I don't think we can expect that. But the State Police believe that if we can collect from 30 thousand, 40 thousand of those on probation, that will more than ade... that will adequately cover the cost of the database."

Dart: "And do they have any numbers or formula or anything like that that gives you some percentage breakdown on how many people who are on probation actually pay their fines? 'Cause my experience is... and once again, this isn't to say it's right, but just the real life experience was, all to often the courts would come up with very novel ways to

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get rid of the fines because they wanted these probation cases off their court calls. The guy didn't have the money and he kept coming in not having the money. Do they have any... I'd love to see some document of theirs showing 'x' percent do pay their fines. If you can get that to me in the intent."

Cross: "I don't know that we have it. It's a ... Tom, again, a fair question. If we can, we will."

Dart: "Okay."

Cross: "But I'm telling you what generally is the thought process in funding this."

Dart: "Thanks, Tom."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker. I have a point of order, first."

Speaker Hartke: "Point."

Morrow: "On the LIS and on our written analysis, it shows that this Amendment or I guess the Bill, came out of Jud-II 13-0. Now, I've been informed that three Members of that committee voted against this Bill or this Amendment. So, can we get some clarification as to what the actual vote was in committee?"

Speaker Hartke: "Yes, the Clerk..."

Morrow: "All right."

Speaker Hartke: "... will check on that."

Morrow: "Now, will the Gentleman yield?"

Speaker Hartke: "The Gentleman will yield."

Morrow: "Representative Cross, I see that there's language that would allow if a person was innocent that they would have their DNA record expunged. Why... why and I'm not necessarily against that language, but there are Members in

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this Body that voted against Representative Howard's Bill that allowed for people who had served their time in prison and come... came out of prison, came back to the community in good standing, for nonviolent crimes and yet we voted against getting their records expunged. So, can you explain why there's a... double standard on that?"

Cross: "Charles, first of all, let me go back to your initial question and maybe I can help on the inquiry about the vote. The Floor Amendment #2 never did go to committee. You may have had a... there might... Floor #... or Amendment #1, I believe, was in committee, Judiciary. Floor Amendment #2 did not go to committee, so there would not have been a committee vote on it. So, I just like..."

Morrow: "So... so, Amendment #2 was released by Rules. Was released by the Rules Committee directly to the floor."

Cross: "Correct."

Morrow: "All right. I'm glad you corrected it."

Cross: "And I think that's... the Clerk could help me, if he or she wants to, but I think that... they're nodding their head, both of 'em are. So, can ya... I would... let's focus on that a second, Charles. What's your... your question's with respect to the expungement issue of the DNA sample?"

Morrow: "Well... Yeah, the DNA sample, but yet this... this... both chambers of this General Assembly have rejected expungement for people who have served their time for nonviolent offenses, have kept their records clean in the community, but yet we don't want to expunge their record. Why the double standard?"

Cross: "Charles, and this is going to be a philosophical issue that people are, as we often do, disagree on. There is a distinction, I believe. One, this Bill deals with DNA

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samples and what would happen as with your language that sample or that information is gonna be taken out of the database under certain circumstances and you have the language. What I believe Representative Howard's and I believe she had several Bills, not just one, that would have dealt... those I believe dealt with arrests as opposed to DNA samples or other things and whether or not those arrests should be expunged. Now, you could maybe... sure you could make some arguments on why that... why arrest... you may believe that arrests should be expunged as well, but there are those that don't agree with that. So, I think there is a distinction... I know there's a distinction between arrests that were in her Bill and DNA samples and being taken out of the database that are provided for in this Bill. Now, I will tell ya that in the underlying Bill ya had the bar association working on it, ya had the ACLU, you had state's attorneys offices. I think all these groups, and as you know, they come from both sides of the spectrum, so to speak, worked to make this a good Bill. I don't believe anybody wants to take that expungement language out dealing with the DNA samples and I'm not sure you're suggesting that."

Morrow: "No, I'm not. I'm just saying, why and since we're talking... why should there be any difference... why should we have on the State Law a different standard for expungement of DNA and a different standard for a person who has served a nonviolent, nonviolent offenses now, I'm not talkin' about people who were convicted and served time for rape, murder, child molestation or that... those offenses. I'm talkin' about for just minor offenses. Why should they not be allowed to expunge their records, too? Now... "

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Cross: "Charles and I'm not trying to be..."

Morrow: "... I'm just..."

Cross: "... cute with you that... I would... it would seem it would be an argument..."

Morrow: "Okay."

Cross: "... you would have made on her Bill."

Morrow: "Yeah."

Cross: "You may have some valid points."

Morrow: "But now, the one problem involving Amendment #2 that's very unsettling, are we gonna get to a point that every newborn infant that's born within... not only this state, but the country of America that we're gonna have DNA samples that's... from birth to death, just like we have a birth certificate when you're born and death certificate when you die? Wh... To me we're opening up a Pandora's Box. Eventually, we're gonna start saying we want DNA samples for people who... who work in a certain... that work in nursing homes. We're gonna want DNA samples for people that work in day care centers. Pretty soon, they might say they need DNA samples of people who run for elected office and I'm not sure I'm against that. Do you have any response to that, Representative?"

Cross: "No."

Morrow: "I'm not... I'm not gonna comment any fur... any further on this Amendment. This Amendment's gonna pass. I'm gonna wait to Third Reading to... to ask some further questions and make some further comments. Thank you, Representative Cross."

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

Stephens: "I would like to yield my time to be used in equal portions by Representative Davis and Representative Morrow."

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Five minutes, each."

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

Johnson: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Johnson: "Yeah, Tom, one question. To me, one of the most serious issues of course is confidentiality of the use of these DNA samples. It's my understanding that this Bill provides that it can be for only law enforcement purposes alone. Is that correct?"

Cross: "Yes."

Johnson: "Okay. To the Bill. You know I strongly..."

Speaker Hartke: "To the Bill... Amendment."

Johnson: "... I strongly support this legislation. You know, DNA samples, to me, are really going to be the fingerprint of the 21st century. Just as we did fingerprints over the past century and I'm sure the same debates took place when we started that technology, DNA is going to be the fingerprint of the 21st century. Now, with that said, you know, I had the privilege of sponsoring along with Peter Roskam and I think, Jim Durkin was involved, as well as John Turner here a number of years ago, where Illinois actually led the country on post conviction DNA rights of appeal. And you know, I'm proud to say that we did that in Illinois and there were a lot of comments and a lot of issues that we worked through just as we are in this Bill back then, but because of that, I think the number now is in excess of a hundred and fifty inmates within the Department of Corrections that have been released because DNA has shown that, in fact, they were not the culpable party. So, again, I think that this time has come. This is dealing right now on a very narrow scope of just those

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who have already been convicted and are serving time within the Department of Corrections. But I do believe that this ultimately will become the fingerprint process of the 21st century and I hope Illinois leads the way here. Thank you."

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

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

Speaker Hartke: "To the Amendment."

Black: "I simply rise to echo Representative Johnson's sentiments. He and I are thinking on the same lines and I'm sure that scares him to know that. If you have been following newspaper articles in the last week, if you'll recall, there used to be once a week somewhere in the State of Illinois at a shopping mall the police department or the fire department would offer to... ya know, bring your children in and we'll take fingerprints of your children, so that if they are lost, god-forbid, that will help us track them down. As Representative Johnson said, the DNA technology is replacing the fingerprint technology as a way of identifying people. There are thousands of people in New York City who I'm sure would give anything if they had a DNA sample of their loved one who was lost in the World Trade Center disaster. I know they've gone to homes and they've looked... gotten the hairbrushes, toothbrushes, anything they could trying to find a DNA sample so they identify some of the body parts that were found so that they could return and give some measure of closure to families because there are so many... so many people killed in that accident, obviously, who will never be identified or identifiable. Yes, DNA, I'm sure, can probably be misused. I don't know of anything that human beings figure

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out how to use that somebody else can't figure out how to abuse, but I don't think that's the intent of this Amendment. I don't think it's the intent of the technology and in fact, if I were incarcerated, I would want the DNA sample so that if they come after me upon my release and say, you know this crime looks a lot like your modus, your method of operation, we think you're a suspect in this crime. I'm going to assume that they find DNA at the crime scene and if I'm already in the database, it's a heck of a good way to eliminate someone as a suspect. Yes, it can also be used to place the onus of suspicion on somebody if that's the case, but I don't think we need to make more of this Amendment than it is. This is modern technology. It's something that many of us don't understand and that causes us... causes us to be suspicious, but I would submit to you that a Representative who said it may happen at birth, may not be too far wrong. I saw just an article the other day in one of the statewide circula... circulation newspapers that instead of the fingerprint things that they used to do at the village or at the malls, they're now actually doing DNA kits for your children, so that if they are abducted or something happens as in the tragic case of the missing five-year old from Florida where they thought perhaps her body was found in Kansas City. If there had been a DNA database, they could have made a very positive identification. So, I... whether we like it or not, the 21st century is here, it's going to happen. This technology is going to be used for purposes both good and unfortunately, sometimes for evil. But I think the good, in the Gentleman's Amendment, far outweighs the bad and I rise in support of the Amendment."

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

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seeking recognition, Representative Cross to close on the Amendment."

Cross: "Thank you, Mr. Speaker. And again, I want to reiterate. This Amendment and there may be some debate on Third Reading, I can appreciate that. But this Amendment is very simple in that the State Police have said at their suggestion this Bill reads that only those convicted of a felony after the effective date of this Act will be subject to the provisions of providing samples and that misdemeanor aggravated criminal sexual abuse will be an offense that is applicable under this section or this underlying Bill. I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 2024?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

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

Black: "Yes. Thank you very much, Mr. Speaker. A point of personal privilege, if I might."

Speaker Hartke: "State your point."

Black: "Ladies and Gentlemen of the House. It's a very rare occasion, if you would listen up and join me, when a former Member of the House returns who had a distinguished career in this chamber, so distinguished that many of us took up a collection and sent him to the Senate. Now that he has come back to visit us he can't remember how to get in the chamber, so he sits in the gallery. Would you welcome with me, that giant of a Gentleman, the Gentleman from Blue

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Mound, the Senator from Central Illinois, the Honorable Duane Noland."

Speaker Hartke: "Stand up, Senator, you've been recognized. He is standing. The Chair recognizes Representative Mitchell. For what reason do you seek recognition?"

Mitchell, J.: "Mr. Speaker, I need to remind you as 'president of the short caucus' these stand-up jokes aren't really funny. Thank you."

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

Clerk Rossi: "Attention, Members. The Higher Education Committee scheduled to meet today is canceled. The Executive Committee scheduled to meet today is canceled. The Judiciary II-Criminal Law Committee scheduled to meet tomorrow at 11 a.m. is also canceled."

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

Hoffman: "Also, the Transportation Committee which is scheduled to meet today is canceled."

Speaker Hartke: "Mr. Murphy, for what reason do you seek recognition?"

Murphy: "The Pension Law Commission meeting will meet after caucus in C-1."

Speaker Hartke: "Ladies and Gentlemen... Mr. Cross, for what reason do you seek recognition?"

Cross: "I know that... I know it's a little intense right now, we're really workin' hard, but can you tell us what your intentions are with respect to all the Senate Bills on Second Reading, Mr. Speaker? You gonna call those today?"

Speaker Hartke: "The Chair recognizes Representative Burke. Mr. Cross, I'll get back to you. Mr. Burke."

Burke: "Thank you, Mr. Speaker. As an announcement, the Executive Committee for tomorrow is also canceled."

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Speaker Hartke: "Thank you, Mr. Burke."

Burke: "So, today..."

Speaker Hartke: "Mr. Cross, your answer is, no, we will not be continuing today with Third Readings."

Cross: "Well, Mr. Speaker, in all seriousness, if I'm not mistaken, another Member on our side of the aisle several weeks asked you what was going to happen to all these Bills on Second Reading, and we were told they were under review. Now, that's been a fairly lengthy process. I think it is only fair that you at least give us some idea of what you intend to do with these Bills on Second Reading. If you're gonna kill 'em, fine, just tell us. It's not what we want, but at least give us some idea of what you intend to do. I think that is the reasonable and fair thing to do. They've been sitting there for quite a while, Chuck."

Speaker Hartke: "Mr. Cross, it's my understanding that the Bills are still under review."

Cross: "That's pretty good and you're... for the most part keepin' a straight face. Well, at least you're not, Chuck, but the guys to your right and left are. How long do you think the re... very impressive. How long do you think the review process will take?"

Speaker Hartke: "On some, longer than others."

Cross: "Good answer. Thanks."

Speaker Hartke: "Now, could I have the Members attention, please. It's the Chair's intention that when we adjourn today we're going to be going to caucus. Following the caucuses, are there any committees left, Mr. Clerk?"

Clerk Rossi: "The Conservation & Land Use Committee will meet in C-1, the Health Care Availability & Access Committee will meet in Room 114 and the Revenue Committee will meet in Room 115."

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Speaker Hartke: "Thank you, Mr. Clerk. The Speaker has indicated that when we adjourn tomorrow, tomorrow, we will not be returning to Session until Tuesday at 2 p.m. on May 21st. So, that means that Thursday is canceled of this week. Friday has already been canceled, but we will return to Springfield on Tuesday, May 21st at 2 p.m. So, you may cancel your hotel rooms for Wednesday evening. And Members should be prepared to stay the week of the 21st. Mr. Murphy, do you have any... for what reason do you seek..."

Murphy: "Yes, only an announcement. We were scheduled to be meeting in C-1 for a Pension Laws Commission. Has that changed and I don't know anything about it?"

Speaker Hartke: "Committees will probably convene at around 5 o'clock in their original rooms. Mr. Black, for what reason do you seek recognition?"

Black: "Mr. Speaker, a point of personal privilege."

Speaker Hartke: "State your point."

Black: "Mr. Speaker, I want the record to reflect that I stand in opposition to this ridiculous scheduling. Bringing us over here, keeping us in Session less than two hours, sending us home on Thursday and Friday so people can meet behind closed doors, hash out a budget, and put it on my desk sometime next week, give me 45 minutes to look at it and say, 'yes' or 'no' and go home. We have filed at least one Amendment on a Bill that's no longer in the chamber, so I can't make a parliamentary inquiry to discuss short-term borrowing. I resent being told that we can't borrow. We're already borrowing \$800 million, but we've borrowed it on the backs of small businessmen and women, local pharmacies, hospitals, nursing homes. We need to pay our bills. It's not fair that there are people out there who have given the state service five and six months ago and

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can't get paid and until we address that short-term problem, I want the record to reflect that I'm opposed to this reduced schedule. We need to stay here and start dealing with some of the fiscal problems that this state has. And I'm willing to stay here, Thursday, Friday, Saturday, Sunday, so I can be a part of the process. I get tired of you sending us home and then bringing us back and feeding us like a bunch of mushrooms. I'm tired of it. That's not the way the public's business should be conducted. Let's get serious. We're about to run out of time and I'll be doggoned if I'm gonna vote for a budget if you put it on my desk the 31st of May and expect me to vote on it after having had 30 minutes to look at it. This is crazy. We have filed Amendment after Amendment to do short-term borrowing. I have people in my district who are gonna go out of business if we don't pay our bills. Now, let's stay here and address short-term borrowing. Pay our bills. Pay our bills. Pay our bills."

Speaker Hartke: "Your objection is noted. Representative Currie now moves... Representative Currie now moves, allowing perfunctory time for the Clerk, that the House stand adjourned until the hour of 12 noon tomorrow. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned. Representative Poe, do you have a announcement?"

Poe: "For announcement, the Republicans will caucus in Room 118, immediately."

Speaker Hartke: "Democrats will caucus in Room 114, immediately. Representative Pankau, we are adjourned. For what reason do you seek recognition?"

Pankau: "Yeah. Mr. Speaker, there was a lot of noise and I did

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not hear what you said about when Members return on the 21st and then you said something after that and I did not catch that."

Speaker Hartke: "And be prepared to stay the week. And be prepared to stay the week."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 2287, offered by Representative Hannig, a Bill for an Act in relation to budget implementation. Senate Bill 2288, offered by Representative Hannig, a Bill for an Act in relation to budget implementation. Senate Bill 2289, offered by Representative Hannig, a Bill for an Act in relation to budget implementation. Senate Bill 2290, offered by Representative Hannig, a Bill for an Act in relation to budget implementation. First Reading of these Senate Bills."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 6285, offered by Representative Garrett, a Bill for an Act concerning procurement. Senate Bill (sic-House Bill) 6286, offered by Representative Winkel, a Bill for an Act concerning sports facilities. First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."