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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

59th Legislative Day

May 16, 2001

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Dr. Randy Grace of the College Heights Baptist Church in Eldorado. Dr. Grace is the guest of Representative Forby. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Dr. Grace: "Let us pray. Great and mighty God, Creator of all, we thank You for the health that You have granted to us this day. We thank You that You have counted us worthy to continue our service to You and the people of this state. We are reminded that we are here not by accident, but by Your divine appointment. In that light, Dear God, make us instruments of Your peace this day. Wherever we find hatred, help us to sow seeds that will bring forth the bountiful harvest of love between our fellow men and women of this state, this nation, and our world. Whenever someone causes injury, may we be able to offer pardon and forgiveness. Wherever the shadow of doubt is cast, may we dispel it with the light of our faith. Where there is despair because of the feeling of helplessness that comes to so many who are lost in the aimlessness of this world, that the actions taken here offer hope. In this land where darkness sometimes is prevalent, may the true light of justice and freedom shine forth from this hallowed hall unhindered. To those who are locked in sadness, use these men and women to bring joy. Oh, Divine Master, grant that we may not so much seek to be consoled, but let us seek to be the source of consolation. Grant that we may not so much seek to be understood, but rather grant that we would be understanding. That we not seek so much to be loved, but rather give us the ability to love, for we discover that it is in giving that we receive. It is in pardoning

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that we ourselves shall find pardon and it is in the giving of ourselves and our personal sacrifice that we are born to truly live. And God, help us to remember that we are leaving a trail today, a trail that others will follow, footprints that will lead others either in the path of right or the path of wrong. Let us this day resolve that all who shall come behind us shall find that we were faithful this day. Grant that the fire of our devotion shall be a true guide to our children and to their children's children. Let the choices and the decisions made here today inspire every citizen to be a better man, a better woman, a better boy or girl and now, we ask that You hear our prayer, O God, and grant us this day Your peace. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record reflect that Representative Shirley Jones is excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Jerry Mitchell, Representative Sommer. Never mind. Excuse me on Representative Jerry Mitchell. The same two, Representative Stephens and Representative Sommer will be excused today."

Speaker Madigan: "The Clerk shall take the record. On this question, there are 115 people responding to the Attendance

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Roll Call there is a quorum present. Mr. Clerk."

Clerk Rossi: "Introduction of Resolutions. House Resolution 303, offered by Representative Hoffman; House Resolution 304, offered by Representative Delgado; House Resolution 308, offered by Speaker Madigan; House Joint Resolution 40, offered by Speaker Madigan; House Joint Resolution 39, offered by Representative Saviano are assigned to the Rules Committee."

Speaker Madigan: "On the Order of Senate Bills-Third Reading, on page 10 of the Calendar there appears Senate Bill 28, Mr. Brosnahan. The Gentleman indicates he does not wish to call the Bill. Senate Bill 42, Mr. Moffitt. The Gentleman indicates he does not wish to call the Bill. Senate Bill 50. Senate Bill 76, Mr. Rutherford. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 76, a Bill for an Act amending the Uniform Disposition of Unclaimed Property Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Through an Amendment in the Executive Committee, this has become a shell Bill and we'd like to send it to the Senate for further discussions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 88 people voting 'yes', 24 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hoffman. Mr. Jay Hoffman on Senate Bill 98. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 98, a Bill for an Act in relation to

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vehicles. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 98, I believe, was... we debated it last week, was taken out of the record before a vote and I believe, we had a lengthy debate on it. If you recall, all that Senate Bill 98 does is it would require that children who are under the age of 16 or under shall have some type of a seat belt on. It does not change the current law with regard to children who are under the age of four and their having to wear or having to be in a seat... having to be in a safety seat. All it does is say that if you're in the car, anywhere in the car, that you would have to have a seat belt if you're under age 16. Currently, the law is that if you are under the age of four, you must have a seat belt if you're anywhere in the car. This would just change this to 16."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, let me ask you a question that I don't know the answer to, quite frankly. If you have an older model car that does not have seat belts in the backseat and there are many of those still on the road, I assume that they cannot ticket you if the automobile you're driving is not equipped with rear seat belts? But I hate to make that assumption then have a constituent come in and question me about a hefty fine when his 1979 Buick has no seat belts in the backseat."

Hoffman: "It's my understanding that current law would apply and

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I believe... I wish I knew the exact answer to that, but it's my understanding... it's not our intent here to impose any affirmative duty. All we're saying here is that in the case of a person riding in the backseat, if you're a child, you must have a safety belt on. The current law would apply as it would under current law with the child under the age of six now. So, if that is, indeed, the case, currently, all this does is change from the age six to 16."

Black: "So, it is clearly not the intent of Senate Bill 98 to make anything retrospective, so that you would have to take: for example, many of the early model Jeeps do not have seat belts in the backseat. Now, one could make an argument that you shouldn't have a child in the backseat of a Jeep with a soft top or if the top is off, but I just want to make sure we don't get into a situation where a constituent comes in and says, 'I was ticketed, my eight-year-old son was riding in the back of my 1954 civilian Jeep for failure to wear a seat belt and there isn't any seat belt in the back.'"

Hoffman: "Exactly. My intent... That is not my intent at all. My intent is, essentially, to say that if there are seat belts in the backseat, that a child under the age of 16 has to have 'em. Also, I believe, last week you had asked a question about if a farmer was working in the field and they were going from one field to the next and their 15-year-old child was riding in the back of the pickup truck. It is not my intent to affect that situation either and I would like to say on the record that it is not my intent that a ticket would be issued in that instance either."

Black: "All right. So... And that's very important to where you live and where I live. Obviously, one and it has been

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debated on this floor whether or not seat belts should be in the back of a pickup truck and/or whether anybody should ride in the back of a pickup truck. But where you and I live that is often a common practice, particularly on the farm, but even in a small business where you may be making a delivery. You may have a 14- or a 15-year-old riding in the back of a pickup truck. Nothing in this law could be construed to say that you couldn't do that or they had to be restrained in some fashion."

Hoffman: "If it... I mean any law can be construed however the person who's attempting to construe it wants to construe it. However, that is not my intent and I would say that today on the floor, for legislative intent, that is not my intent to address that situation."

Black: "Well and I would think, again, you and I if one of our constituents is ticketed while a 15-year-old is in the back on the way to a feedmill or to drop off some hay to a feedlot down the road from the primary acreage, then I think you and I would be here seeking the repeal of this law if that indeed comes to pass. I appreciate you putting that on the record."

Hoffman: "And I would cosponsor that with you."

Black: "Thank you very much."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 18 on the Calendar, on the Order of Senate Bills-Second Reading there appears Senate Bill 1032. What

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is the status of that Bill?"

Clerk Rossi: "Senate Bill 1032, a Bill for an Act concerning labor relations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Place that Bill on the Order of Third Reading. On page 11 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 163, Representative Moore. Andrea Moore. She indicates she does not wish to call the Bill. Senate Bill 170, Representative Cowlshaw. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 170, a Bill for an Act in relation to schools. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. This Bill is an initiative of the State Board of Elections which encountered a problem recently in that there was a vacancy in an office for regional superintendent of schools and there is nothing in the statute that gives direction on how an election to fill the remainder of the term should be conducted. So, basically, this is a very technical Bill which simply provides that if there is a vacancy in the office of regional superintendent, the appointee shall serve until the... for the remainder of the term unless there are more than 28 months remaining in the term, in which case, the person who is appointed would serve until the next general election at which time the vacated office would be filled by election. That's all the Bill does. I'd be glad to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those

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opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hoffman. Mr. Jay Hoffman on 174. The Gentleman indicates he does not wish to call the Bill. Representative May. Senate Bill 326. The Lady indicates she does not wish to call the Bill. Representative Mendoza on Senate Bill 373. The Lady indicates she does not wish to call the Bill. Mr. Bost, Senate Bill 384. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 384, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 384 simply allows military recruiters to have access to student directory information for the purpose of informing high school students of the educational opportunities and the career opportunities that are provided in the military. Be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative, your Bill is stating that military recruiters can have access to high school students' names, addresses, phone numbers. Is that correct?"

Bost: "That is correct, yes."

Davis, M.: "Representative, is there any other method rather than getting or gaining the confidential information of students? Is there any other method available for reaching students?"

Bost: "Well, I believe, Representative, that this is a very

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common practice in most all of the high schools. And the genesis of this Bill is simply to allow those high schools, for whatever reason are just saying no we don't want the recruiters in our schools talking to our students. This just gives open access to our military recruiters so that we can offer the opportunity. As far as personal records, the access is for the names and the lists of telephone numbers and names and addresses of those students so they can simply be informed."

Davis, M.: "Can they sell this information? Is there anything in your legislation that would prevent the selling of high school students' names, addresses, and phone numbers?"

Bost: "No, the only thing that they would do is... You know, I mean, if someone requested it, I don't know that they would sell that information."

Davis, M.: "But they could share that information with someone else if they so chose?"

Bost: "Yes, I believe they could. Yeah, but so can many other people that do have access to those records."

Davis, M.: "To the Bill. To the Bill, Mr. Speaker. The Bill will probably fly out of here because I don't think people are aware of the confidentiality that has always been in place to protect students, to protect students from pedophiles, to protect students who may... someone wants to follow them home. Now, we do believe that the military has great programs and there are, as there has always been, many ways to notify students and their parents of what these programs are. There are career days in which the military is a part of, it goes into the classroom, it talks to the students, it leaves brochures for students. There are many community organizations that invites the military out to present its program to members of the community.

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And I think we establish an extremely dangerous precedent, a dangerous precedent, by providing the military with the names, addresses, and phone numbers of high school students. I'm not... I'm really worried, Representative, that are we saying here that we no longer plan to keep student information confidential? We can't mix apples and oranges by saying, the army has or the military, they have great educational programs. We agree with that. But we do not agree to the public school systems or any school system allowing the access of where a student lives, the student's telephone number. I think we're opening a can of worms that we'll soon have to close. It's totally unnecessary. They can provide this information to students in many different ways. As a Legislator for 14 years, I have never had a recruiter come to me and say we can't get access to students to provide this information about what the army or military has to offer. I urge the Legislators to be extremely cautious in allowing any group access to the home phone numbers and the home addresses of vulnerable students in a day and age when many students are home alone until after 6 or 7 p.m. at night, to allow someone who may be the recruiter this time, but who knows who the recruiter may provide the information to? It is a unhealthy movement, an invasion to the student's confidentiality that this Body has always protected. I don't know what the underlying reason is, but it can't be for the military to provide information on the services that they can give students in reference to education and training, because that is already available to them in many, many different avenues. Thank you. I urge..."

Speaker Madigan: "This Bill in on the Order of Standard Debate. Mr. Bost has spoken in support of the Bill. Representative

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Davis has been in response. Now, there'll be two more in support, two more in response and then we'll go to Roll Call. Now, Mr. Hoffman, for what purpose do you seek recognition?"

Hoffman: "Speaker, I rise in opposition to the Bill."

Speaker Madigan: "Five minutes."

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

Speaker Madigan: "Sponsor yields."

Hoffman: "Representative, I think the previous speaker has some good and valid points. I'm not so concerned about providing the information, I'm more concerned of the student not being aware that the information is being provided. It's my understanding, that under your Bill that the parents can opt out, but there's no affirmative duty to tell students that this information is going to be made available to the recruiter without their knowledge. In other words, we're allowing... It's my understanding, under this Bill, we would allow the information to be given without any notice to anybody. Is that correct?"

Bost: "That would be correct. That's what many schools are doing already, yes."

Hoffman: "Well, I understand that. I think the Bill would be stronger and I wouldn't have a problem, if we gave the individual some kind of a notice. In other words said, if you do not object to this, we're going to provide this information to recruiters. And I think it's an issue that raises some privacy concerns regarding providing very, very personal information about students without their knowledge. How would you respond to that?"

Bost: "Basically, the language says the student directory information. Student directories do not include a lot of... The key information that is being requested, you

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know, that we're talking about here, I don't believe that we're dealing with anything as far as privacy except for addresses and phone numbers where these students can be informed of what options are available to them. And Representative, I think it's important to say that the reason why this language is brought about is, is certain school districts, just a few, have made a decision based on the administrator's opinion of the military not to allow those recruiters into the schools or to communicate with the students or allow that information to be given or have access to their telephone numbers to where they can get that information."

Hoffman: "Well, I understand that. To the Bill. And I understand the intent of the Sponsor and I don't disagree with that. Obviously, it's my belief that the schools in our state should be assisting the military in their recruiting function. However, my problem lies with the privacy issue and that is that we're not giving each individual student the choice, the choice of whether or not their name, address, and telephone number is going to be made available. All we're doing under this Bill is we're saying we're going to give you the information and if you want to opt out you can, but nobody is making that student or their parents aware of the fact that they don't have to give this information. I would just say, Representative, if you had a notice provision that says that at the beginning of the school year or at the beginning of high school that every student is going to be made aware that this information is going to be made available to recruiters unless they do not want the information to be made available then I could support your Bill. However, as it currently stands, it's my understanding that the name,

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address, telephone number will be given and only will not be given if the individual opts out. There's no notice to that individual giving them the ability to opt out or giving them... I apologize... giving them the knowledge that they can opt out and if you were to give that and put that in the Bill, I would support it. As it currently stands, I'm afraid I'm going to have to vote 'no'."

Speaker Madigan: "There's one more person seeking recognition, that will be Mr. Morrow. Mr. Morrow, for what purpose do you seek recognition?"

Morrow: "Well, I rise to oppose the Bill, Mr. Speaker."

Speaker Madigan: "All right. So, Mr. Morrow will be the last person in response. Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose Senate Bill 384 and I'm sure some of the concerns and the reasons why I'm opposed to it were already addressed. But you, as a Legislator, cannot call a principal of your high school and get the names and addresses of the students in your school. The principal will tell you, it's a confidentiality. We give certificates of achievement to eighth grade graduates and seniors who graduate. They will only provide you the name of the student and that's all they should provide. So, I don't see why we should give the military the right or have the option of gaining access to information that we're not allowed to have access to, for any purposes. So, I know this Bill was well thought of. Someone said that there are career days in high schools, yes, they are. I have participated in career days and they've had military personnel at those career days. This Bill is well-intentioned, but it's not the Bill that we need to pass at this time. We need to be concerned about the

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confidentiality of our students. I know there's some language in here that says a parent can write a letter saying that I don't want my student's name being given out. That's another onus that we're putting on the parents and the parents have enough things to do between going to work, trying to get their kids to school in a safe fashion, trying to make sure their kids learn. They don't need to have to worry about if my kid's name and my kid's address is being handed out to someone I don't know. We need to have 'red' votes on Senate Bill 384."

Speaker Madigan: "Mr. Franks, for what purpose do you seek recognition?"

Franks: "I'd like to ask the Sponsor a question, if I may?"

Speaker Madigan: "Are you standing in response?"

Franks: "I don't know whether I'm for it or against it to tell you the truth. I want to get some... I need to ask two questions."

Speaker Madigan: "Well, but we've already had three in response."

Franks: "Then I'd be..."

Speaker Madigan: "Which is the rule."

Franks: "... probably 'for' it then, at this point then."

Speaker Madigan: "Okay. Fine. We'll put that in the record."

Franks: "Probably."

Speaker Madigan: "Thank you."

Franks: "Thank you. A strong probable."

Speaker Madigan: "And now, Mr. Black, for what purpose do you seek recognition?"

Black: "Thank you, Mr. Speaker. If allowed to speak in support of the Bill."

Speaker Madigan: "Proceed."

Black: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House. Many years ago I was a vocational

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guidance counselor at a high school of some 2600 students and for years this was not a problem. The names were given to the military recruiters. They were, in many areas of this state, a valid choice for students who want to pursue something after high school and many of them did choose the military. Now, what complicated the issue was when we went to an all volunteer force. When the draft was in effect, it was very easy for recruiters to get names and addresses because of Selective Service. That has been changed dramatically. There have been, as others have said, certain changes in the rules of privacy, but more than half of the school districts in this state have chosen to make basic student information available to military recruiters from the United States Armed Forces. There are about 300 that do not. Now, if we want to maintain an all volunteer military, then these recruiters must have access to at least send a brochure into their home outlining what the military may do as far as their training component, their educational savings program and some of the things that they offer. Not everybody will go to college. Not everybody will go to a community college. Not everybody will go to a technical or vocational school. There are people who will choose the military as an option after high school, some will make it a career, thank goodness. But they need the access. Now, there are ways to do this surreptitiously if you want to continue that game. Recruiters can get ahold of yearbooks. They can get ahold of student newspapers. They can follow athletic stories in the paper. There are ways to get some of the names. But why not do it right up front? Why not let the stu... the school, if they decide to do so, say, here, here's the name and address of our student, you may contact him. If the

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parents don't want military literature in their home, they're going to let you know right away. I'm somewhat confused by the opposition from many of my friends from Chicago. One of the newest high schools to open and forgive me, I can't remember the name, it opened a year or two ago, but basically, is a ROTC high school. Where there is military discipline and a military style of doing things. If the newspaper accounts of this high school are correct, it is one of the most popular high schools in Chicago with enrollment with people waiting on a list to enroll. So I don't think there's an inherently any potential problem with people being exposed to the military when one of the most popular high schools in the City of Chicago system is, in fact, modeled after, if I may be so bold, an ROTC program and is doing very well and students are on a waiting list to get in. I don't think there's any subterfuge here. I don't think there's any hidden agenda. It's simply a matter of fact that when we went to an all volunteer military you have to be able to contact those people who might be considering that option and those people, for the most part, are those graduating from high school. It's not an option if you quit high school anymore. The military doesn't want a dropout. They don't deal with dropouts. They no longer can deal with people who are in trouble with the courts. They can only deal with people who are in school, making progress toward graduation in 99% of the cases. All this Bill does is to grant military recruiters a legitimate, lawful, and some would say on any given day, a very necessary function of the United States Government, access to students who are currently attending Illinois high schools. I think the Bill makes eminent good sense. I hope you can vote 'yes'."

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Speaker Madigan: "Mr. Bost to close."

Bost: "Thank you, Mr. Speaker, Members of the House. This Bill shouldn't be as controversial as it was raised to be. All it is doing is we've got some schools that have made choices based on their feelings about the military that have tried to block access to the student names, phone numbers, if they are in a student directory. Also, a question was brought up about an option... the ability to opt out if you don't want your child notified. That is in the Bill. It's under Section (b) of the Bill. It's a good Bill. It's a sensible Bill. All we're doing is saying that schools should provide this. As Representative Black stated, we depend on a voluntary military and without having access, people do not know about their career opportunities and many educational opportunities that would be available to them in the military. And I'd appreciate your 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. Persico voted? The Clerk shall take the record. On this question, there are 53 'yes' and 58 'no'. And Mr. Bost is recognized."

Bost: "I'd like to put this Bill on Postponed Consideration."

Speaker Madigan: "Mr. Clerk, put this Bill on the Order of Postponed Consideration. The Chair recognizes Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. A point of personal privilege please."

Speaker Madigan: "Mr. Hartke, did you wish to tell us about a wooden leg?"

Hartke: "No, I'd like to intr... Everyday out here we recognize

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groups and school kids that have made some great achievements. In the gallery today we have Oblong High School and for the second year in a row they have taken first place in the math competition in the State of Illinois. They are with their principal Mr. Wheeler and this is the fifth time in 18 years that they have won the state math competition. Let's give them a warm welcome into the General Assembly and congratulations from the Members of the House. Congratulations, kids. Please stand up."

Speaker Madigan: "Mr. Jerry Mitchell."

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

Speaker Madigan: "State your point."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Once again my district is supplying the Pages for both sides of the aisle. I'd like you to welcome Tom Demmer, Jason Prendergast, Maureen Blessman, Kaile Schreiner, Mary Callahan, and their sponsor and teacher, Nancy Henegar from St. Anne's School in Dixon, Illinois. Please give 'em a wonderful welcome. Thank you."

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

Speaker Hartke: "On page 11 on the Calendar, on Senate Bills-Third Reading, appears Senate Bill 396, Representative Coulson. Beth Coulson. Out of the record. Senate Bill 406, Representative Wirsing. Mr. Wirsing. Out of the record. Senate Bill 433, Representative Mathias. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 433, a Bill for an Act concerning family law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 433 was discussed,

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previously, in this chamber and I just want to add a few more comments to it for those that had some concern with it. This legislation, basically, recognizes that stock options, whether vested or unvested, are marital property which should be divided by the courts at the time of the dissolution of marriage. The Bill makes it clear that stock options are marital property and the reason for this is because it really resolves a conflict between current case law and Section 503 of the Marriage and Dissolution Act. The Act today creates two properties, marital and nonmarital property. However, the Supreme Court appears to have created a third type of property called separate property and the courts indicated, basically, that an unvested stock option has no value until it's exercised and should be a separate property of the parties until they are. This would, in effect, cause a second and costly trial to both parties. This Bill would change that, give the factors for the court to consider. And I ask, again, for your vote... your 'aye' vote on Senate Bill 433."

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 he will yield."

Black: "Representative, when we discussed this Bill earlier, I had given you some information about the Internal Revenue Service and the Alternate Minimum Tax and how it was adversely impacting people who had these stock options that on paper were worth a lot of money, but the IRS would... was saying, well, it's worth so much money, you owe an Alternate Minimum Tax. And in some cases they were selling their homes to satisfy the tax, hoping that the option

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would, in fact, maintain its value. Now, what happens in a case of a dissolution of marriage where there may be stock options that on paper would be worth a half a million dollars, but a year after the divorce is final, may prove to be worth a little more than a thousand dollars?"

Mathias: "My understanding is after talking to the Bar Association, at least that's what they've told me, that there'd be no tax consequences unless the options are actually exercised. At that time, sure there could be a tax..."

Black: "Sure. But..."

Mathias: "... because if there's... and of course, there's only a tax if there's a profit."

Black: "But in the information I gave you and in the article that I read, the married couple in this one case, had an Alternate Minimum Tax bill of, I believe, \$60 thousand on stock options and I think, it's an error in Federal Law, but it may take years to correct. Now, here's a married couple remortgaging their home, cashing in assets to pay the Alternate Minimum Tax on stock options as required under current Internal Revenue Code, subsequently they may divorce and those options may be worth little or nothing and yet the two of them sacrificed to pay the tax. Now, how's that going to be handled in the dissolution?"

Mathias: "Well, of course, courts today can take into consideration the tax consequences in anything they do, but again I don't believe there would be a consequence until they were actually exercised."

Black: "Okay. Well, it's a concern that I have, certainly a concern that I've read about. I, unfortunately, don't fall under the Alternate Minimum Tax provisions, my wife wishes that we did. But I... anytime we get into this and the

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Internal Revenue Code is so difficult and has so many hooks that most of us don't know until we get to a certain income level. I would hope, that we not open another can of worms on trying to figure value on marital property. I appreciate your answers."

Mathias: "Thank you."

Speaker Hartke: "Ladies and Gentlemen, this Bill is on Short Debate. We have had one person in response and one person for. Does anyone stand in support of the Bill? Representative Lang."

Lang: "Well, Mr. Speaker, I had a question, if you would indulge me the opportunity of asking it."

Speaker Hartke: "Would you care to move the Bill off of Short Debate?"

Lang: "Sure, let's move the Bill off of Short Debate, I'm joined by thousands."

Speaker Hartke: "There's only three hands up."

Lang: "Oh. Oh no, many hands, there's many hands in the air, Mr. Speaker."

Speaker Hartke: "Okay."

Lang: "You see, many hands."

Speaker Hartke: "This Bill's on Standard Debate. We've had one person speak in opposition to the Bill. We will now entertain you, in response or opposition to the Bill."

Lang: "Thank you. I'm not sure if I'm opposed, but if the Sponsor will yield."

Speaker Hartke: "The Sponsor will yield."

Lang: "Thank you. Representative, there was some talk about clarifying this with an Amendment that would specify that the stock options are divided on a percentage basis separate and apart from the rest of the estate to avoid the possibility that the value of the options will be

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determined by a judge up-front even though those values may change later. Now, was there... Have you done any such Amendment?"

Mathias: "I don't believe we discussed an Amendment. But in looking at the Bill, this still gives the judge, basically, as with any other marital property, first, he can determine whether it is marital property. There is a presumption in the Bill. The problem was without this presumption the court case held that it wasn't marital property. So, in effect, it would have to be decided at a second trial sometime in the future. Whereas today, if the... the judge can determine whether it should be a valued, it could determine whether it should be divided on a percentage basis, but I don't want to limit this to just the percentage basis. It would be up to the parties and the judge, you know, at the time, to determine that."

Lang: "Representative, I have no problem with what you're trying to do. I understand you're trying to stop the second hearing. So, there's a clean break between the parties, et cetera. I have no problem with that. The issue becomes, if a judge at the first hearing puts a value on these options and then divides the estate counting that value. And I had suggested that we change this Bill to say that these options will be divided all by themselves as one unit by the percentages the judge wants to give and the rest of the estate also, without a value on these options. And if you do that, you alleviate the possibility that there could be some confusion or that one or the other spouse could suffer at the hands of a judge who inappropriately values these options. If you separate these on a percentage basis on a separate... as a separate entity, it doesn't matter what the value is because both parties will get whatever

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their share of the options are, as opposed to what their share of the value is. And so, I had suggested that we amend this Bill simply to say that what you're proposing is fine, but that the options be divided themselves as a separate unit."

Mathias: "I understand. But the problem with that is sometimes there's a situation where, let's say, the spouse, it doesn't make any difference which spouse it is, but let's say the one spouse that has the option today, the other spouse actually wants to get a dollar value today as opposed to taking that risk in the future, they couldn't do that under your theory."

Lang: "But once they... But once the judge divides them, they can do anything they want with those options."

Mathias: "Except options are not transferable today. And that's the reason for the Bill... one of the reasons for the Bill."

Lang: "So, you... I'm happy to make them transferable. I think you're misunderstanding what I'm saying."

Mathias: "Right. But I don't know if that's..."

Lang: "I just don't want..."

Mathias: "Right."

Lang: "... one big ball to be divided 50-50 or 60-40 or 70-30, counting these options, if the options are gonna be considered to have value. All I'm saying is if the judge has decided to split the estate 70-30, split everything 70-30, except the options and then split the options by themselves by that same percentage, 70-30."

Mathias: "I do understand your comments, but I... in light of the time frame, I would just rather just go with the Bill as it is."

Lang: "Well, I don't know. I've been talking about this for

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weeks, Representative. And I was told by some Representative, who's trying to pass this Bill, that they would do this and they haven't."

Mathias: "No, I have never said that I'm gonna do that."

Lang: "No. I didn't say you. I said 'some' Representative."

Mathias: "Oh, okay."

Lang: "I didn't say... I didn't mean a State Representative. I mean, some person representing the advocates of this legislation."

Mathias: "Yeah, I understand."

Lang: "So, I'm disappointed that this wasn't taken into account. Thank you."

Mathias: "I understand."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Scully. Do you stand in opposition to the Bill? He has declined... to be recognized. Representative Mathias to close."

Mathias: "Again, this would save the courts and the parties substantial monies where they would not have to come back to court after possibly a first lengthy trial and spend additional sums of money for a second trial sometime in the future. So, I urge your 'yes' vote on Senate Bill 433."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 433?' 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 Senate Bill 433, there are 105 Members voting 'yes', 7 Members voting 'no', and 3 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. For what reason does the Lady from Sangamon, Representative Klingler, seek recognition?"

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

Speaker Hartke: "State your point."

Klingler: "Representative Raymond Poe and I are both very pleased to be able to recognize students from the Trinity Lutheran School who are on the Speaker's podium. And... Please stand up. And we hope that all of you will give the Lutheran students a big round of applause."

Speaker Hartke: "Welcome to the General Assembly, your State Capitol. Senate Bill 435, Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 435, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This is from Senator Parker's mental health treatment and evaluation task force and requires the Department of Corrections to establish standards and criteria to recognize people with mental health diseases in local jails and pretrial detention. It sets out the criteria for standards and inspections and creates a special task force to work on this problem."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black. Shh. Please, please, Ladies and Gentlemen. Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to what is basically a good Bill. And let me just say, for about the sixth time, I'm not voting for anything that requires the Department of Corrections to do anything, convene a meeting, put together a task force, count bubble gum wrappers, or do anything else that would cause them to spend one dollar or waste one hour of somebody's time when the staffing levels at the

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Illinois prison system are reaching critical level. I have a prison in my district, we are chronically understaffed. I have staff working mandatory overtime, working double shifts, can't get days off, can't get vacations. That isn't right. And what we should be doing here is assisting the Department of Corrections in hiring more correctional officers. And until we do that, I refuse to vote for any Bill that takes one cent or one hour of time from the Department of Corrections to do a task force, a study, or anything else until they do what their primary job is to do and that is adequately and safely staff the prisons in the State of Illinois and for that reason, I'll vote 'no'."

Speaker Hartke: "Further discussion? This Bill in on Short Debate. Mr. Dart, do you stand in support of the Bill?"

Dart: "I'm not quite sure at this point. I just have a couple questions."

Speaker Hartke: "Mr. Dart."

Dart: "Thank you. Will Sponsor yield?"

Speaker Hartke: "And then we'll go to Mr. Lindner (sic-Representative Lindner) to close."

Dart: "Representative, now this Bill would require the Department of Corrections to do what?"

Lindner: "It's not... It's only for municipal jails and pretrial detention. It's not for the prison system. And right now in the law, it's permitted rather than requiring that the Department seek out people who need mental health services in jails and pretrial detention. This will, you know, save time, save money, get people into mental health systems, rather than jails, where they belong."

Dart: "Well, how would it do that?"

Lindner: "Because they would identify people who need these mental health services and they would get mental health

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services in prison and hopefully, then get connec... We did another Bill, they would get connected up with services afterwards and states who have done this have found that recidivism is decreased."

Dart: "But correct me, if I'm wrong. Shouldn't they or aren't they doin' this now? I mean, if someone comes in and has mental health concerns, should they not be identifying that?"

Lindner: "I think they do do this in the Cook County jail and they are supposed to do this now, but there is no inspection system. And so they have found that in other jails in pretrial detentions, they are not doing this, so this Bill requires rather than permits the Department to do this, that it won't..."

Dart: "The Department... the local county or the Department of Corrections?"

Lindner: "The locals."

Dart: "Okay."

Lindner: "But also it... they won't need anyone... to hire anyone new because they do... are already supposed to do these inspections. But as I said, in some of the jails this is not happening. So, this requires them to develop a more..."

Dart: "I mean, doesn't this... I mean, isn't that a little bit strange though. If they're supposed to be doing that now and you're saying it won't cost anymore money, they won't have to hire anybody new, this is just telling them to do it. I mean, it would seem to me that unless these folks are looking for a lawsuit, if they have the people to do this, the money to do this, the obligation to do it and they're not doing it, they would be potentially getting sued. It would seem to me the reason they're not doing it

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is because they don't have the resources or the people, more likely be the answer."

Lindner: "Well, I believe that Cook County is under a consent decree and maybe that's why they are doing it. But this does establish criteria for the standards and inspection and then a criteria for noncompliance, also. And that's one of things, it does establish a task force that, you know, people will be working on these questions, also."

Dart: "Yeah. And what you're talking about doing, I am very aware of and I think it's a good thing to be doing. We've talked a great deal for the last five or six years and myself and Tom Johnson about the problems with the number of people in the criminal justice system who have mental health problems. As I say, the thing I find strange about the Bill, though, is that you're requiring people, as you said, to do what they're supposed to be doing anyway and you're saying they have the money and the people to do 'em already anyway, they're just not doing it which I find very strange given the... People that I've been interacting with the last five years, they tell me that they don't have the money or the people to do most any of the stuff that we ask them to do."

Lindner: "Well, you know, this is what... Senator Parker has had a task force that Mark Heyrman has served on and I'm sure you know him from the University of Chicago, head of the mental health department there and this is what they found to be true and that's why they crafted this Bill."

Dart: "Okay. Thank you."

Speaker Hartke: "Representative Lindner to close. Representative Lindner to close."

Lindner: "Thank you. I think this Bill has been thoroughly reviewed by the special task force on mental health

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services. It is something that is needed. We all know that our jails are filled with people who have mental health problems that should be attended to. It doesn't have anything to do with the prison system. This is for pretrial detention and for local jails. And I would ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 435?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 435, there are 111 Members voting 'yes', 4 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 461, Representative Feigenholtz. Out of the record. Senate Bill 504, Representative Beaubien. Out of the record. Senate Bill 575, Representative Lyons. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 575, a Bill for an Act concerning business transactions. Third Reading of this Senate Bill."

Speaker Hartke: "This Bill's on Short Debate. Representative Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 575 will make changes in four Acts administered by the Secretary of State Securities Department. It increases investor's protection. It's really a consumer protection Bill against unscrupulous securities dealers by expanding the power of the Secretary of State to deny or revoke securities registrations of registered parties that were applicants. It also could raise the penalty for violations of the Illinois Security Act from a Class A misdemeanor to a Class IV felony. The

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Bill will also specifically prohibit persons from acting as a loan or business broker without registration or selling unregistered business opportunities. The rationale for the whole Bill is the United States continues to grow and the Federal Government has obligations and responsibilities for enforcement. The federal level actually empowers the Secretary of State's Office to do more of the statewide things that need state jurisdiction. And I'd be happy to answer any questions if there are any, otherwise, I'd be requesting a favorable vote on this Bill."

Speaker Hartke: "The Chair recognizes Representative Durkin."

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

Speaker Hartke: "Sponsor will yield."

Durkin: "Representative Lyons, I have a few questions. I'm gonna support this Bill, but I just want to clarify a few things that we didn't quite address in committee. We are extending subpoena authority to the Secretary of State Office, correct?"

Lyons, J.: "They already have subpoena authority, Jim. This just clarifies it."

Durkin: "I know, but what are we adding to 'em? I'm looking at the language in here, it says that... Well, I'll... For instance, page 28, Section (d) on line 28, it says that for purpose of investigations they're allowing the Secretary of State to issue subpoenas or any or other lawful means. So, they presently do have subpoena power or are we just adding on to what or are we giving them new authority or are we... Can you tell me."

Lyons, J.: "Well, my understanding of the Bill, Jim, as we read it here. We already have subpoena power, but this extends... We can subpoena witnesses currently, this allows for subpoenas of documents, Jim."

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Durkin: "All right. So, this is... as maybe Tanya can explain, is subpoena duces tecum, right, correct? Is that what you're... Is this an administrative appeal or is this subpoena duces tecum as they..."

Lyons, J.: "Correct, Jim, yes."

Durkin: "All right. Is this something which can only... which you can swear out or do you need to go to the court to have that authorized? 'Cause generally under any type... if you were going to be investigating a criminal matter and you were gonna subpoena documents, you have to go and have that sworn out through a grand jury. Are you... Is this the process in which you anticipate the Sec..."

Lyons, J.: "No, it would not be necessary to go to the grand jury."

Durkin: "All right. Well, I'm not quite sure if that's accurate or not, but I think that there was a practice up until back in the mid-90s in which you could swear out subpoenas for any type of documents. However, the Illinois Supreme Court stopped that practice and required the subpoenas to be sworn out through a grand jury. I'm not sure if Tanya Solov Simon is aware of that, but maybe... Is she aware of that?"

Lyons, J.: "The original Act in 1953 Act allows for subpoena power."

Durkin: "I understand. All right. But I'm just making sure that... I'm anticipating at some points you do... the Secretary of State does subpoena certain records, a Motion is brought to quash the subpoena because it was not duly authorized by the grand jury. As the Supreme Court, back in I believe it was 1993, stated that any type of subpoena for records must go through the grand jury. But I'm just throwing it out there just as a cautionary, you know,

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advice for the young lady to your left. Joe, the next question I have is just one less and we're... there is some types of... there is additional fees which you're allowing the Secretary of State to assess in this... under this legislation?"

Lyons, J.: "Yes, Jim. There's reasonable attorney fees that are authorized in this legislation."

Durkin: "Okay. And those attorney's fees would be assessed against the party who is found in violation, correct, by the administrative law judge?"

Lyons, J.: "Right."

Durkin: "All right. Would the... Let me just make this straight. The administrative law judge is someone who is an employee... Are they appointed from the Secretary of State's Office?"

Lyons, J.: "They are independent attorneys that are hired by the Secretary of State's Office, but they're not employees of the Secretary of State, per se."

Durkin: "But they are paid from the Secretary of State... out of the Secretary of State budget?"

Lyons, J.: "Correct, yes."

Durkin: "So, and it's a decision that's made by them which is going to assess certain fees. Is this something which you can appeal? 'Cause obviously it's an administrative finding which has been rendered against them, they have an appeal right to the circuit court. Is the... Let's say the party finds that the fees are excessive, is this something which they..."

Lyons, J.: "Yes, they would be appealable and could be taken to the circuit court."

Durkin: "Okay. Last question. Someone is going to appeal the administrative ruling, I believe, in your legislation you

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limit jurisdiction venue to two counties and that is Cook County and Sangamon County. Is that correct?"

Lyons, J.: "Correct."

Durkin: "I asked this question before, what is the theory behind limiting venue to those two counties?"

Lyons, J.: "Jim, that in the original legislation from 1953, those were the two counties that took on that responsibility. And the experience of the Secretary of State's Office for the last ten years, I don't think there's been a half a dozen cases initiated from different counties throughout the State of Illinois. So, the existing process of Cook and Sangamon being the counties where these cases are heard, has worked out without any problems for those people who've been involved in these types of cases."

Durkin: "Well, thank you very much for your questions and answers."

Speaker Hartke: "Further discussion? Mr. Righter, for what reason do you seek recognition?"

Righter: "I have some questions for the Sponsor, if I may, Mr. Speaker."

Speaker Hartke: "Do you stand in opposition to the Bill?"

Righter: "No."

Speaker Hartke: "Okay. Mr. Lyons to close."

Righter: "Thank you."

Speaker Hartke: "Mr. Lyons to close."

Lyons, J.: "Dale, you have questions? Mr. Speaker."

Speaker Hartke: "This Bill's on Short Debate. Mr. Durkin stood in opposition. Mr. Righter is for the Bill. You're to close."

Lyons, J.: "Well, the Bill passed committee 19-1, 54-0 out of the Senate. I'm certainly looking for favorable consideration

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on this Bill."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 575?' 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 Senate Bill 575, there are 113 Members voting 'yes', 2 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 602, Representative Mendoza. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 602, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mendoza. This Bill is on Short Debate."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 602 amends the Illinois Vehicle Code. It restricts a person who's sentenced to prison for reckless homicide from being issued a driving permit or a license for two years or 24 months after the date of his or her release from prison. The crime of reckless homicide is committed when a person unintentionally kills an individual and the cause of death consists of the driving of a motor vehicle or operating a snow mobile, all terrain vehicle, or watercraft. Currently, prisoners are serving their sentence and suspension of driving privileges at the same time. This Bill will insure that the 24-month period does not start until the person is released or paroled. In other words, we're saying that people whose licenses should be suspended, that license should be suspended when they have the ability to get in the vehicle and hurt someone else, not while they're in prison. I would ask for a

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favorable vote and field any questions you might have."

Speaker Hartke: "This Bill's on Short Debate. The Chair recognizes Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Representative, are you stating that after a person has served his or her sentence that we are furthering their sentence by stating they cannot get a driver's license for two years?"

Mendoza: "Well, currently, under the law, you automatically have a two-year suspension given to you. So, the Body felt that person should be suspended for two years. However, what we are saying is that that sentence should start when you are released from prison and actually have access to a vehicle that you could harm someone with. So, in a sense, yes, we are saying that... Let's say you get sentenced to three years, you only do a year in jail. When you get out, you should have to do a two-year suspension, not only one year."

Davis, M.: "So, we'd be making it a five-year sentence rather than what the judge gave as a two-year sentence..."

Mendoza: "No."

Davis, M.: "... or a three year sentence."

Mendoza: "What you're making it, Representative, is a two-year suspension of driving privileges. If you're gonna use a vehicle as a weapon to harm another human being and kill them, what we're saying is that a two-year suspension is not only fair, but it's the right thing to do."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "I believe that if a person has served a sentence and the judge gave them two years, it should be the two years, I would imagine, that they're without a license. Very often when people are released from prison, if they're

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fortunate enough to find employment, they may need an automobile to get to that place of employment. I think this legislation would hamper people and give them a hardship where they could not get to work. It could even give them a hardship where they could not get to their probation officer. I believe the intent may be very noble, but the judge already gave a sentence and for us to decide that that sentence occurs once the person has been released is not only ludicrous, but it says we don't need the court systems at all. The Legislature will do it. We don't need any court system. The court system has said a person's sentence begins the day he or she enters prison. And for us to say that your suspension of license begins after your release, is a bit... it leaves , hardship to the family members of that inmate who's being released. It may send that person back to prison, who would not normally go, because they can't get to work, they can't get to their probation officer, and in many areas the public transportation is not as excellent or good as we would like it to be. These people have some place to go. There may be children involved, where they need to drive children to school. I think that once a sentence has been completed that person should start afresh. This is why many people came to America. They came to America in order that their criminal act not be a part of their life for the next hundred years and that their entire families not have to suffer because of some crime they committed. I disagree with this legislation. I think it goes way past what the intent of any, any judge would be and it goes past what most Legislators would want. Once a sentence is started and the person is in prison, when he's released, his license should not be suspended for additional periods of

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time. It places a hardship on more than that individual, it places a hardship on families and perhaps, his ability to work. I urge a 'no' vote."

Speaker Hartke: "The Chair recognizes Representative Morrow. For what reason do you seek recognition? The Bill is on Short Debate."

Morrow: "Yes. Thank you, Mr. Speaker."

Speaker Hartke: "Do you stand in support of the Bill?"

Morrow: "I definitely do not stand in support of this legislation."

Speaker Hartke: "Fine. Representative Mendoza to close."

Mendoza: "Thank you, Representative Davis and Representative Morrow. I appreciate your comments and I respect them. I just feel that I'd like to clarify that the original intent of the law is to be effective and that is if you're going to suspend someone from... For example, let's make it really easy. If you punish your child and tell them they can't watch TV for a month, if they don't have a TV to watch it's not much of a punishment. It doesn't ring true to what got you there to begin with. Now, I think it's important that we recognize that. In order for this law to be effective, it's needs to have some kind of deterrent to it. That means if I know that I kill another human being and I can't drive a vehicle for two years, again, it's about being fair. A person, I can tell you in my district, many people are very hard working and many people can't afford a car. In order to get to work, they had to take public transportation or their families have to make sacrifices and get them to work through some other means, maybe find a job closer to home. It's difficult, but it's also very difficult for the family of the victim who is killed. So, I'd just ask you today to help me be fair to

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support a law that makes sense. It's a commonsense piece of legislation. And I would ask for a favorable vote. Thank you very much."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 602?' 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 Senate Bill 602, there are 97 Members voting 'yes', 14 Members voting 'no', 4 Members voting 'present'. And this Bill, having received the Constitutional Majority is hereby declared passed. The Chair recognizes Representative... Senate Bill 627, Representative Daniels. Out of the record. Senate Bill 647, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 647, a Bill for an Act in relation to aeronautics. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hamos."

Hamos: "Ladies and Gentlemen, thank you, Mr. Speaker. This is a Bill that has no opposition. It is... Really, we talk about driving while drunk, this is about flying while drunk. And it really responds to an issue that was uncovered that our laws were not very strict about when an airline operator, their pilot for example, is under the influence of intoxicating liquor, drug or controlled substance. Currently, that's a misdemeanor, this would raise it to a felony. And that's really the gist of what this Bill does. And I ask for your favorable support."

Speaker Hartke: "This Bill's on Short Debate. The Chair recognizes Representative Black."

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

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Speaker Hartke: "Sponsor will yield."

Black: "Representative, I'm a little unclear as to who this impacts. Does this impact carriers that operate out of O'Hare who are national or international carriers or is it aimed strictly at general aviation, privately-owned aircraft?"

Hamos: "It is our belief that this applies to all airplanes that are operated... all aircraft operated in the State of Illinois."

Black: "It's my understanding that Federal Law is already in existence that governs the conduct of alcohol and any narcotic on a crew member of any airline that's under the regulation of the FAA. If that's the case, then I would question the validity of this legislation."

Hamos: "Well, Representative Black, currently crew members are already not allowed to consume alcoholic liquor within eight hours prior to the operation of aircraft or to act as a crew member with an alcoholic concentration above .04 or to have any amount of controlled substance in their blood or urine. That is prohibited under current Federal Law. This would change the State Law to actually make it... to increase our current misdemeanor penalty to a felony, recognizing that these are very serious infractions and that we ought to have a zero tolerance when we're talking about something as serious as a potential... as a crew member on an aircraft that has so many lives at stake."

Black: "Well, then I appeal to your expertise as an attorney. It's my understanding that no State Law can be less stringent than the Federal Law that covers it. I think the Federal Law will always take precedent on the conduct of an air crew member of a regulated, commercial carrier. Wouldn't that be correct?"

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Hamos: "Well, what we are doing... is there's already a law on the books that we are amending. So the law on the books applies to aircraft that are operating in this state and those aircraft... We already have a law. We're already regulating it. All this does is to increase the penalties from a misdemeanor to a felony."

Black: "All right. I'm not aware... I've been working on my pilot's license for years and years and years. I am not aware of any current State Law that regulates general aviation in the State of Illinois, privately-owned and operated aircraft, not for charter. Now, if your intent is to regulate the conduct of a pilot or instructor or a student pilot operating privately-owned aircraft registered in the State of Illinois, I don't have any problem with that, whatsoever. But if we're attempting to enter into Federal Law on commercial carriers, then I think probably this law is meaningless as far as regulating United, American, US Air, any of the commercial carriers that you and I would fly. It seems to me, upon reading it, that your intent is to regulate general aviation, privately-owned aircraft, not for charter or for commercial use registered in the State of Illinois."

Hamos: "Representative Black, the interstate commerce clause, of course, will always trump State Law."

Black: "Right."

Hamos: "So, we're not trying to change the Federal Law in any respect, whatsoever. What this... What the current law already applies to is and the words are, 'any and aircraft in this state,' in this state. So, again, we're not trying to change the parameters, the scope of who this applies to, we're just changing the penalty. We think that as a matter of practical, you know, outcome, really it would be

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privately controlled aircraft that would be... come within the purview of state prosecutors, for example, but this doesn't limit it to that and we don't believe that the current law does either."

Black: "Well, under the law of unintended consequences, what I want to make sure we don't do, is if a flight engineer or a copilot decides to depart tomorrow morning from O'Hare for a flight to Los Angeles who, quite frankly, is intoxicated, I want that pilot to be subject to the most strict rule and regulation and that is Federal Law. And generally, I think the generally accepted standard of the industry that the pilot is immediately... I think his license is revoked, among other penalties he or she may be subject to by Federal Law. What I don't want to happen is that the pilot goes to an attorney and says, look, I took off from Chicago, O'Hare, that's in the State of Illinois, and I prefer to be regulated by Senate Bill 647, which may not have the language in there, I didn't see the language, that would mean an automatic revocation of his or her license. Now, there is no danger that somebody will say, wait a minute, I took off from the State of Illinois, I choose to be prosecuted under Illinois Law. I don't see any language in here that says I am automatically going to have my license revoked. That would be a loophole I don't think you would intend to offer."

Hamos: "Representative Black, I would agree with you that that would be the desired result. It is not unusual, as we know, for the federal and state... for both Federal Government and States to have comparable laws on the books dealing with the same set of crimes with slightly different penalties. And I think that it is not unusual and probably quite typical for state prosecutors and federal prosecutors

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then to work together to really decide how a problem should be handled in the court system. That would be our attempt here. Which is why we believe, as you yourself stated, that as a practical matter this would probably only most frequently apply to private aircraft because otherwise we do think that the federal prosecutors would step in and would want to deal with it in a most strenuous way possible."

Black: "Yeah and I tend to agree and I'm sure that the Governor's legal staff will review that to make certain that we don't allow for a loophole and I don't think that would happen. But every day I read in the paper about judicial rulings that I didn't think I would ever see. In the Bill is there a definition of 'crew member'?"

Hamos: "I don't see a definition of 'crew member'. We are actually adding the Section on crew member."

Black: "All right. The reason I ask, mostly serious, some in jest. If you're working for FedEx or one of the large carriers and your assignment is simply in the back to make sure the cargo doesn't shift and to help with unloading when you get there. If you decide to have a beer with your dinner on a coast-to-coast flight, I would hesitate to say whether or not that should be a felony. And another thing that popped into my mind, because I'm not sure what a definition of a 'crew member' is, I mean, I would think anybody who serves a cocktail on a commercial flight would certainly be a 'crew member' and the steward or stewardess or flight attendant would do that. I just wonder when the Boeing corporate jet was airborne last week and they made the call to the State of Illinois and said, we have chosen Chicago as our site to be our corporate headquarters and I'm glad they did. Something tells me there may have been

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a toddy or two lifted on that Boeing corporate jet. Now, would your Bill make felons out of the chief corporate executive of Boeing Aircraft Company?"

Hamos: "I'm also very supportive of the decision to bring Boeing here. And like many other criminal laws that we've passed in Illinois, I'm sure that there would be a subject, that and any other words we ever use in our State Laws, would be the subject of interpretation and would be very much a finding a fact that would be decided at many levels, as we know, along the way, ultimately by the ultimate fact finder."

Black: "The reason I bring this up, I remember years ago when your husband was here there was quite a debate on whether or not you could drink, have a beer or an alcoholic beverage, serious debate now, in the back of a recreational vehicle. The driver obviously could not, but if you were on your way to a football game, et cetera, and there were people consuming alcohol in the back of the RV and I don't know if it was ever resolved, but the State Police said, oh no, no, you can't do that, that's absolutely illegal. And I know that there was quite a debate about it back then and so it's often the law of intended consequences. The only thing that I will leave you with, the only way I will probably ever get to ride on Air Force One would be as a member of the crew. In other words, I would get to carry somebody's luggage. Now, after I carried everybody's luggage on the plane, I might want to sit down and have a toddy with the Air Force One glass that, hopefully, they'd let me keep. But then since I was a crew member, when I come back to Illinois would I then be a felon?"

Hamos: "I suggest you stay away from that beer while you're on that airline."

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Black: "Well, at least..."

Hamos: "Just to be sure."

Black: " ... I would ask if I could take the glass."

Hamos: "Just to be sure."

Black: "I wouldn't take it. All right."

Hamos: "Especially because..."

Black: "Well, I..."

Hamos: "Especially because we know there is Federal Law. On this subject."

Black: "You know... Well, I understand that. I have no problem with your Bill and particularly if it impacts commercial... excuse me, private operation. I do think Illinois is lax in how privately-owned, nonchartered aircraft can be utilized by pilot and crew. So for that reason alone I intend to support your Bill. But I always have enjoyment talking with you, Representative."

Hamos: "Thank you."

Black: "It's the highlight of my day."

Speaker Hartke: "Further discussion? This Bill is on Short Debate. Representative Lang."

Lang: "Mr. Speaker, can I ask that this be removed from Short Debate. I simply have a question, but if the only way to ask the question is to remove it from Short Debate, I'll have to do that."

Speaker Hartke: "That's correct."

Lang: "I'm joined by hundreds, see."

Speaker Hartke: "This Bill is on Standard Debate."

Lang: "Thank you."

Speaker Hartke: "Proceed."

Lang: "Will the Spo..."

Speaker Hartke: "You have five minutes."

Lang: "Will the Sponsor yield?"

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Speaker Hartke: "Sponsor will yield."

Lang: "Thank you. Representative, I just have one question, but sorry we had to go through that exercise. Does your Bill impact at all collective bargaining rights between the state and its pilots?"

Hamos: "I'm not aware that we have any unionized pilots in State Government. Do we? We do."

Lang: "Are not the state pilots members of AFSCME or some other local? Understand, I'm not opposing..."

Hamos: "Well, I think... I think..."

Lang: "I'm not opposed to your Bill, Representative..."

Hamos: "Yeah..."

Lang: "... but I don't want to..."

Hamos: "No, no. I think that's a question that I have not thought about before and I assume... I suppose that criminal laws, in fact, in Illinois do apply even to unionized employees."

Lang: "Do you not think it would be appropriate to take a look at the contract between the state and its pilots to determine what's in there now, so we don't fly in the face of that as we move forward with your great Bill?"

Hamos: "I really don't want to do that, Representative Lang. I think that, as a matter of fact, this is a serious public policy matter. The issues we've heard about for example, the ongoing debate with correctional guard, really has to do with the way that an employer would deal with it from the perspective of discipline and suspension. And I think that's what collective bargaining should be about. I don't believe that, in fact, collective bargaining agreements can actually work around our criminal laws, so in this and any other matter. And I think that this is a serious enough public policy matter that we should just declare it to be

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the public policy for all people."

Lang: "Representative, I agree with you with everything you said except for this. There's already a collective bargaining agreement in place, neither you nor I know what it says. And so I agree with you that no new collective bargaining agreement should do an end run around whatever criminal laws we pass. The question is, what impact will this have on an existing contract and should you not take that into account, grandfather in the existing contract the state has or what have you?"

Hamos: "I'm going to decline to do that. I really do think that, that's not setting a great precedent, in our criminal laws, to be grandfathering in collective bargaining agreements, as though, collective bargaining can somehow get people outside of criminal laws. I do believe, that ASCME Union is very good, and thorough, in their review of legislation. And they've never stepped forward to suggest this. And I do think, that criminal laws are what they are. And I'd like to think, furthermore, that the collective bargaining agreement, if I had a chance to really read it, would not, in fact, allow pilots, or crew members, to have any level of intoxicating substance, while in operating an aircraft."

Lang: "Well, I'm certain, you're correct, except neither of us have seen the document. What about just simply taking this out of the record, and asking ASCME if they've reviewed this Bill? And then, I'll certainly vote for it with you."

Hamos: "I don't think I'm going to do that, Representative Lang, but I hope you'll support the Bill anyway."

Lang: "Thank you, Representative."

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

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

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Speaker Hartke: "The Sponsor will yield."

Durkin: "Representative Hamos, under DUI law, the word 'operating a motor vehicle' just requires someone to be in... have control of the automobile, the keys in their possession, but it doesn't, necessarily, mean the car has to be moving. For purposes of legislative intent, can you explain to me what 'operating' means, under this Bill? Does it mean, that the plane must be in the air? Can it be something, which is on the landing strip, which people are working on the engine, or they're loading the plane? Is it operational, at that point? Because as I said, under DUI law, someone... as I said, if they're in possession, and they're inside the automobile, they are, technically, in violation of the law. Are we equating that, with what we currently do with motor vehicles?"

Hamos: "For purposes of legislative intent, I would like to point out, that the current law already applies, to performing any act in connection with the maintenance, or operation, of any aircraft. It does not have to be in the air. This also applies, actually, to people who are performing maintenance duties, and I think we would want it to be that way."

Durkin: "So technically, the plane could have landed, and someone is performing maintenance, and the plane is not going to... there's no... they don't plan on using that plane for another few hours, and if they are... decide to have a alcoholic beverage, they would be in violation of the law, and they would be felons. Correct?"

Hamos: "I believe that to be the case."

Durkin: "Is that what you're intending to do with this law?"

Hamos: "That is what I'm intending to do."

Durkin: "All right. Thank you."

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Speaker Hartke: "Representative Hamos to close."

Hamos: "Well, thank you, Ladies and Gentlemen. I think this really has had some good discussion, and I hope I'll get your favorable support."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 647?' 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 Senate Bill 647, 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 677, Representative Brosnahan. Mr. Clerk, call the Bill."

Clerk Rossi: "Senate Bill 677, a Bill for an Act concerning county officers. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Several years ago legislation passed, that allowed counties to receive a state subsidy for payment of salaries of assistant state's attorneys, that were hired solely to do work on DUI cases, and alcohol-related cases. Unfortunately, this... no funding was ever provided. No counties tried to take advantage of this legislation, which Senate Bill 677 does. It's designed to help state's attorneys use the program, by providing the funds, that are available on a monthly basis. Under the current law, it's on an annual basis. It would also allow state's attorneys to combine subsidies, or contract for services, under the program. This legislation helps assure, that the funds available are distributed as fairly as possible. I know of no opposition to this legislation. I'd be happy to answer

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any questions."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 677?' 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 Senate Bill 677, 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 698, Representative Feigenholtz. Out of the record. Senate Bill 824, Representative Mitchell, Jerry Mitchell. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 824, a Bill for an Act in relation to the Illinois Coordinate System. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 824 is an initiative of the Illinois Department of Transportation. And this Bill simply uses new coordinates, set by the Geodetic Society, updating a standard from 1935, I believe, to a newer standard at 1984. It simply aligns them with almost every state in the United States, and using a new method, or a different method. They are already using it, actually, and this just updates their records, and puts them in line with what they're doing now, with their surveys for roads in the State of Illinois. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 824?' All those in favor signify by voting

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'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 Senate Bill 824, 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 825, Representative Ryder. Out of the record. Senate Bill 826, Representative Bost. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 826, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Senate Bill 826 amends the Commercial Driver's License Section of the Vehicle Code, and the Motor Carrier's Safety Regulations of Vehicle Code, with regard to those holding a commercial driver's license. This is a technical language, that was requested by IDOT, to meet federal requirements."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 826?' 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? Mr. Clerk, take the record. On Senate Bill 826, 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 825, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 825, a Bill for an Act in relation to transportation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you. We amended this yesterday to remove any

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questions about the Bill. The purpose is, that the Metro Link, which serves St. Louis, but also serves Metropolitan East in Illinois, has to designate a place to be the responsible party. The Department of Transportation, in the State of Illinois, is designating St. Clair County. I believe that, that's the purpose of this Bill, and that the Amendment has clarified liabilities on that matter. I would ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 825?' 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 Senate Bill 825, 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 827, Representative Black. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 827, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. As amended, Senate Bill 827 provides, that the Secretary of State may suspend or revoke the registration of a vehicle, if the Secretary determines that the owner of a vehicle has not paid a civil penalty, or a settlement agreement, that arises from a violation of rules adopted under the Illinois Motor Carrier's Safety Law, or the Illinois Hazardous Materials Transportation Act. Be glad to answer any questions, that you have."

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

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seeking recognition, the question is, 'Shall the House pass Senate Bill 827?' 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? Representative Lyons. Mr. Clerk, take the record. On Senate Bill 827, 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 829, Representative Meyer. Representative Meyer. Out of the record. Senate Bill 830, Representative O'Connor. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 830, a Bill for an Act concerning State Police. Third Reading of this Senate Bill."

Speaker Hartke: "Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 830 would allow the Director of the Illinois Department of State Police the discretion to extend probationary periods, for State Police Cadet Training, for a period up to an additional six months. Under current law, all appointed officers must serve a probationary period of 12 months, from the date of appointment. During that 12-month period, they may be discharged at the will of the Director, for basically, for failing to comply with training requirements. Since the 12-month period became law, basic training for appointed officers has been extended from four to six months. And consequently, the field... the in-field evaluation period has been diminished. This legislation would simply allow the Director, to extend the in-field evaluation period, to allow for completion of all phases of field training. It is supported by the Illinois State Police, and the Fraternal Order of Police. It has no fiscal impact. And I

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know of no opposition. Be happy to answer any questions."

Speaker Hartke: "This Bill is on the Order of Short Debate. The Chair recognizes, Representative Lang."

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

Speaker Hartke: "The Sponsor will yield."

Lang: "Strangely enough, I have to ask you the same question I just asked Representative Hamos on a different Bill. Does this affect collective bargaining rights?"

O'Connor: "I don't believe it does."

Lang: "Has this an issue discussed with the State Police?"

O'Connor: "The issue of collective bargaining? Indirectly, I did. But I did not directly discuss whether this would violate collective bargaining. But I don't think a discretionary employee would have any rights, under collective bargaining it."

Lang: "Do you know if there's a current contract with the employees involved here, that would be impacted by this legislation?"

O'Connor: "I don't believe, if there is, since they're discretionary employees."

Lang: "Thank you."

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

O'Connor: "I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 830?' 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 Senate Bill 830, 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

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Bill 831, Representative Rich Myers. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 831, a Bill for an Act concerning the Department of Agriculture. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Myers."

Myers: "Thank you, Mr. Speaker. Senate Bill 831 amends the Department of Agriculture Law of the Civil Administrative Code of Illinois. It provides, that the indirect cost reimbursements that are applied for by the Department, may be allocated as state matching funds. It also requires that the indirect cost reimbursements received by the Department be deposited into the same fund as the direct costs reimbursement, and permits their use, upon appropriation, for the programs administered by the Department."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 831?' 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? Clerk, take the record. On Senate Bill 831, 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 856, Representative Moore. Andrea Moore. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 856, a Bill for an Act in relation to taxation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Department of Revenue Bill. It is an

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agency Bill that amends the Cigarette Tax Act, and the Cigarette Tax Use Act. It is the cleanup change for these Acts, and it authorizes the Department to enforce the tax by methods other than the normal tax stamps, lengthens the deadline for lodging a protest and other details, that are located, I'm sure, in your analysis. But I'd be happy to answer questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 856?' 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 Senate Bill 856, 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 857, Representative Mitchell. Bill Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 857, a Bill for an Act to repeal the Non-Resident Contractor Bond Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 857, it's a Department of Employment Security Agency Bill. It repeals the Non-Resident Contractor Bond Act. I believe this was a audit finding, from the Auditor General."

Speaker Hartke: "The Chair recognizes Representative Brady. This Bill's on Short Debate. Representative Brady declines recognition. Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 857?' All those in favor signify by voting

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'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 Senate Bill 857, 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 874, Representative Rich Myers. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 874, a Bill for an Act concerning hunting. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Myers."

Myers: "Thank you, Mr. Speaker. Senate Bill 874 actually expands the Department of Natural Resources' ability to issue permits to disabled persons to allow them to hunt from vehicles. Currently, they do this. But the provision, with which they consider a person a handicapped person is extremely limited, and it does not... is not flexible enough to allow for some with certain disabilities to be able to hunt from a standing vehicle."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 874?' 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 Senate Bill 874, 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 881, Representative Winkel. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 881, a Bill for an Act concerning natural resources. Third Reading of this Senate Bill."

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Speaker Hartke: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. Senate Bill 881 amends the Department of Natural Resources Act. It provides, that the Department of Natural Resources 'may' now, and currently it's 'shall', it's mandatory, sponsor an annual conference on the status of state's environment and natural resources. This would be effective immediately. This is cleanup language. It's agreed to. And I think it's technical in nature, and a good government Bill. And I ask you to support it."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is,.. Representative Scully. This Bill's on Short Debate. He declines recognition. The question is, 'Shall the House pass Senate Bill 881?' 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. Granberg, would you care to vote? Clerk, take the record. On Senate Bill 881, 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 882, Representative Durkin. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 882, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Senate Bill 882 will allow the Department of Public Aid to give them the ability to deny, suspend or terminate a vendor's participation in the Medicaid Program, if they have been terminated in other state's similar Medicaid or medical assistance program. It also allows the Department to... terminates a vendor, or

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denies a vendor from participating in the Medicaid Program, if they've been convicted of a felony based on fraud, or willful misrepresentation relating to medical assistance, medicare, or any other health care services provision."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 882?' All those in favor signify by voting 'aye'; 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 Senate Bill 882, 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 914, Representative Erwin. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 914, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. Senate Bill 914 creates a fund for... to effect the transfer of adult education from the State Board of Education, to the Community College Board. I would be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black. This Bill's on Short Debate."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I know this is the substantive legislation that I support completely. Do you have any idea, at this point what the actual funding level will be, for adult ed, for Fiscal 2002?"

Erwin: "Representative Black, not any more than you would. We

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did, Representative, add an additional \$2 million last year for the current fiscal year, before the transfer actually even took place. And, as you know, I believe the Governor has \$9 million additional in this year's proposed budget recommendation from the Governor's Office. But as soon as our negotiators decide to get down to business, I'm sure you and I'll have a better idea."

Black: "Yeah. And I hope it's at the recommended level. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "This is an excellent Bill. It culminates years of work, and a great deal of compromise on the part of the adult educators, the Community College Board, and a number of Legislators. I think this whole transference makes eminent good sense. This substantive change, I think, will make it easier to maintain our appropriation levels that we will find necessary in the future. It's an excellent Bill. I commend the Sponsor. I intend to vote 'aye'."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 914?' All 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 Senate Bill 914, 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 930, Representative Hoffman. Out of the record. Senate Bill 931, Representative Black. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 931, a Bill for an Act in relation to facilities for the Appellate Court for the Fourth Judicial

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District. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker. This Bill has been in the Bill box so long, I opened it up, and the moths had eaten most of the analysis. I'll try to do the best I can. Senate Bill 931 amends the Supreme Court Building Act, provides that after the renovation of the Waterways Building is completed, that's the building currently under construction, that you see across from the parking lot in the Stratton Building. As soon as that building is completed, the building shall be named the Hartke Justice Center. I'll be glad to answer any questions you have."

Speaker Hartke: "Good idea. Is there any discussion? Mr. Black."

Black: "I'm sorry, Mr. Speaker, that was a Floor Amendment that your Rules Committee wouldn't let out."

Speaker Hartke: "Oh, I'm sorry, too."

Black: "So, I wanted it named after you, but they wouldn't let the Amendment out."

Speaker Hartke: "..."

Black: "Actually, without the Amendment, and I thought it was an excellent Amendment, even if you did write it, by the way. The actual Bill just simply says that once that Waterways Building is completed it will be used for the Appellate Court Fourth Judicial District. And when that is done, the care, custody, and control, of the building shall be vested in the Supreme Court. This is nothing new. Those buildings that are dedicated for the use of courts are all of them so far, in the State of Illinois, are vested under the authority of the Supreme Court. I'll answer any questions, that you have. And I feel bad that the Amendment didn't get out of Rules."

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Speaker Hartke: "Is there any discussion? This Bill is on Short Debate. There are three people seeking recognition. Representative Johnson, do you stand in opposition to the Bill?"

Johnson: "I'm not sure. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Johnson: "Representative Black, does this Bill contain a... the provision that we all want to see in there, that our colleague, John Turner, will in fact, have the largest office? And are there special funds for that?"

Black: "At the rate that work is progressing, my good friend, and colleague, Representative Turner, will probably be retired from the bench before he gets a chance to move in. But I did go over there last night. His office... Of course, we didn't know it was going to be his office when construction started. I found it to be inadequate. And I have asked them to change several things to make an office worthy of a gentleman of the caliber of Justice Turner. So, I'm sure that it will meet his standards when it's finally completed. Because of his... he's vertically challenged, in the right way, we did have to raise the ceilings."

Johnson: "Well he spoke to me this morning about this, and I just want to make sure that it's okay, and maybe he could nod, that this Bill's all right."

Black: "He did request, that we add a spittoon..."

Johnson: "He says, it's fine."

Black: "... to accommodate his snuff..."

Johnson: "All right."

Black: "...but I'm not sure we can do that, under the Clean Air Indoor Act."

Johnson: "But with a spittoon, will it be brass?"

Black: "He would settle for brass. He would appreciate 22 karat

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gold encrusted, but I don't think we can afford that."

Johnson: "Okay. Next year."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Scully. Do you stand in opposition? He's declined recognition. Representative Black to close."

Black: "I know that when that building across the street is done, those of us who have been here awhile, it's been abandoned for years, and years, and years. It will be a welcome addition to the Capitol Complex and it will be the home of the Fourth Appellate District. And it is my hope that our friend and colleague, Justice Turner, will preside there for many, many years to come. And I say that in all humility, in case I'm ever before you, Justice Turner. I don't want to influence you in any way, but you are my idol and my hero. And I really can't wait until that office is done..."

Speaker Hartke: "Quit patronizing him."

Black: "And you get fitted for your judicial robes."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 931?' 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. Turner. Representative Younge, would you care to vote on this piece of legislation? Clerk, take the record. On Senate Bill 931, there are 113 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does, the Lady from Lake, Representative Moore, seek recognition?"

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

Speaker Hartke: "A point of personal privilege."

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Moore: "And since it seems we're having a little lighthearted discussion, at Representative Turner's expense, I thought I'd take this moment to thank all the Members of the House for their support and for their talent and for all of the work that they did to help the Conference of Women Legislators in their event last night. And we really appreciate it. We have several... There are four people here, especially, that helped us. They were what I would call the glue that pulled all of us together and tried to eke out some kind of talent. Representative Patty Bellock, Eileen Lyons, Bob Biggins, and Dan Burke, really constantly were pulling us together, either with a whistle, a piano, a loud voice, or just some really good humor. Each of them really helped pull that whole thing off last night in a very special way, and we all just wanted to say, thank you, and thank all of you that participated and supported the Conference of Women Legislators."

Speaker Hartke: "Thank you. It was a tremendous event. Senate Bill 935, Representative Poe. Raymond Poe. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 935, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. This Bill addresses a problem of during an enrollment period you sign up, and you have your prescriptions before you... During the year, they can change, that formulary on you. And then what happens, when you go getting your prescription the prices have raised a serious amount. And what this would do, would be provide for the insurance companies to put on the Internet, the formulary changes, so you could find out before you go to your pharmacist and that way you would not

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have those price increases when you get there and be surprised. So, this is something that'd help out the consumer, when we get ready to go pick up prescriptions."

Speaker Hartke: "Is there any discussion? This Bill's on Short Debate. The Chair recognizes Representative Scully."

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

Speaker Hartke: "The Sponsor will yield."

Scully: "Representative Poe, the analysis that I have indicates that there's no opponents to this Bill. Is that still the case?"

Poe: "Yes."

Scully: "Now, the Bill provides for the disclosure to be made on the Internet. Is that correct?"

Poe: "Yes."

Scully: "Do you think that, that is a really functional disclosure that the consumers can rely upon?"

Poe: "You know, we had this discussion in committee and Representative Garrett, and myself, has talked to the insurance companies, and we feel that there's two other ways that we might be able to do this in the future. And one was maybe in a newsletter that the insurance companies send out, or the pharmacists, they could also have it posted on their computers. So, I think what we're doing right now at this point is we're trying to get a start to something that hasn't been done. And I think we need further negotiations in the years to come to maybe go on and make that information more available, through different means of information."

Scully: "Representative Poe, what recourse does an insured patient have if an insurance company does not comply with this requirement, if they changed their formulary without proper notice?"

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Poe: "What happens is if sometime the formulary, and there might be something in that drug or something that you'd be allergic to on a generic so you have to know that formulary change. But what would happen is, basically, you would have to either accept that change or you would have to pay the higher prices for your prescriptions. A lot of times those prescription prices are much higher than whenever the insurance company does its formulary change and they do that for a reason. They do that for a reason, because they can buy these other drugs cheaper. But sometimes, we as patients, still gotta be informed of if there is a change it's okay by the doctors. So, what we're just trying to make a means that we can have that information to the person that's buying the prescriptions, ya know, more available. And I'm not sure this is where we ought to stop. I think this is a beginning this year. I think that we seen there was going to be a lot of opposition if we tried to amend it and put a lot of other things in this Bill at this point. And I think we decided that maybe we'd better start. We start with the Internet, and then maybe in a year or two we can go ahead and work on this and make it even more information accessible to the constituents of Illinois."

Scully: "Representative, if an insurance company fails to provide proper disclosure, what recourse does the insured... does the patient have?"

Poe: "It would fall under any other regulation we have, under the Department of Insurance. Any means he has to enforce, any other regulations he could also do that, through this same Bill."

Scully: "Okay. Thank you, Mr. Representative. And I appreciate the comments that you made on the record, that this is a

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significant first step. There's so many other things that we should consider on the same topic, in the future. Thank you very much."

Poe: "Thank you."

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

Poe: "Just ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 935?' 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 Senate Bill 935, 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 980, Representative Stroger. Representative Stroger. Out of the record. Senate Bill 1011, Representative Cross. Out of the record. Senate Bill 1058, Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1058, a Bill for an Act in relation to probation and pretrial service fees. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1058 offers to probation departments throughout Illinois, the needed tools to manage their pretrial case load. It is hoped that with this legislation that probation officers can successfully resolve cases for both juveniles, and adults during the pretrial or predisposition time. Senate Bill 1058 passed the Senate without dissent in either the committee, or on the floor."

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It passed our Judiciary II-Committee with a unanimous vote. And I would ask for your favorable support today. And be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes, the Gentleman from Madison, Representative Hoffman. This Bill is on Short Debate."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hoffman: "Yes. I noticed in the Bill, Representative, there's a term called 'authoritative intervention'. Is it called 'authoritative intervention', I believe? Do you know what that is?"

Scully: "It's a... 'authoritative intervention'... I luckily, had a colleague from the Madison County area help me with this, this morning. And it's, basically, prehearing time before the person goes in their full hearing, they can be under 'authoritative intervention' and the probation officer can then assign them to do certain tasks, such as counseling, or drug testing, or something of that nature."

Hoffman: "What would be the difference between 'authoritative intervention' and delinquency hearing?"

Scully: "'Authoritative intervention' has the initials, AI, and delinquency hearing has the initials, DH."

Hoffman: "And the distinction between 'authoritative intervention', and station house adjustments? Station house adjustments, that's what some people are called when you bring a juvenile in. You talk to them at the station house, and get their parents in. What's the difference between that, and..."

Scully: "I want to thank you for that question. The 'authoritative intervention' is one step beyond the station house adjustments."

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Hoffman: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1058?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Representative Klingler, would you care to vote? Mr. Clerk, take the record. On Senate Bill 1058, there are 111 Members voting 'yes', 1 person voting 'no', and 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1102, Representative Ryder. Out of the record. Senate Bill 1150, Representative Coulson. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1150, a Bill for an Act concerning access to data. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. Senate Bill 1150 amends the Illinois Administrative Procedures Act by expanding the required information an agency must provide during the first notice period for general rulemaking. It provides, that the first notice shall include a descriptive title of any published study, or research report, used in developing the rule, the identity of the person who performs such study, and a description of where the public may obtain a copy. I can 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 1150?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Granberg, and Mr. Burke, would you care to vote? Clerk, take the record. On Senate Bill 1150, there are 115 Members voting

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'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1190, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1190, a Bill for an Act concerning the functions of the State Board of Education. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill came to us as a shell Bill. The purpose would be to contain within it, any changes to the State Board of Education. It was amended in committee, Executive Committee, to make the shell Bill a better shell Bill, and now it is a shell of a Bill. And, as a result, we need to send it back to the Senate, so they can nonconcur with our Amendment. And then, we'll put it into conference, if, there's any agreement concerning State Board of Education changes, this Bill will contain those changes."

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

Poe: "Yeah, Mr. Speaker. Will the Sponsor..."

Speaker Hartke: "The Sponsor will yield."

Poe: "Mr. Ryder, as you know, the State Board is located here in our district. And I was wanting to know, is this discussion, is that revolving around the Nutrition Program of the State Board of Education?"

Ryder: "Representative Poe, we talked about this in the Executive Committee, and as of this point, there's been a number of items suggested. There's agreement on none. There's agreement on none of those items. You are correct, though, the nutritional group is one of the things, that's been discussed. But there's no agreement on it, Raymond."

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Poe: "Mr. Speaker, to the Bill. I'd just like to go on record that I'll be voting 'no' for this, because I think this is a decision's gonna be made, maybe, in a Conference Committee, that affects several employees of the State Board of Education. When those employees are moved, then we're putting them into a different retirement program, and then that always causes a little friction from one to the other, what time will transfer. We're having people, I think, that's did a great job with the State Board of Education with the Nutrition Program over the years, and I just feel, that probably, that we should be leaving it there. So, I would just... anybody that's concerned about the Nutrition Program for the State of Illinois, that we leave it there. And maybe, they could vote 'no', and show a little bit of support for the State Board's employees, and how well they've run that program."

Speaker Hartke: "Representative Ryder to close."

Ryder: "Thank you, Mr. Speaker. I acknowledge the concern of Representative Poe, and I will... if I'm involved in any negotiations therein, I'll make sure that his thoughts are represented in those negotiations. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1190?' All 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 Senate Bill 1190, there are 62 Members voting 'yes', 50 Members voting 'no', and 3 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1284. Out of the record. Senate Bill 1304, Representative Mulligan. Out of the record. Senate Bill 1305, Representative Feigenholtz. Representative

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Feigenholtz. Out of the record. Senate Bill 1505,
Representative Mendoza. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1505, a Bill for an Act relating to the
uninsured. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. Senate Bill 1505 requires the Department of
Insurance to establish and operate an Ombudsman Program for
uninsured individuals to provide assistance and education
regarding health insurance benefit options under State and
Federal Law. It also requires the program to include
counseling, and the discovery, evaluation, and comparison
of options for obtaining health insurance coverage. It
permits the Department to recruit and train volunteers for
the program to provide one-on-one counseling through public
forums. And Senate Bill 1505 also authorizes the
Department to issue the rules necessary to implement this
program. I would ask for a favorable vote, and field any
questions you might have."

Speaker Hartke: "The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor will yield. This Bill is on Short
Debate."

Black: "Thank you very much. Representative, what is an
ombudsman?"

Mendoza: "Excuse me."

Black: "What is an ombudsman?"

Mendoza: "It's an advocate, Representative Black, who will
provide a service to the uninsured community, so..."

Black: "It's an advocate?"

Mendoza: "Yes."

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Black: "What's an advocate?"

Mendoza: "It's a go-between... A go-between, for example, is, someone is confused by something, that you might be trying to let us know about..."

Black: "Well, you've unmasked me."

Mendoza: "They would be an intermediary. They would translate, Representative Black's lingo into something that's understandable to you or I."

Black: "Well, see I'm just poor old downstater, now, you're going to have to put the hay down where the goats can eat it."

Mendoza: "I know, but I would be in favor of introducing a Bill, that would..."

Black: "An advocate is someone who will speak for you, or help represent you..."

Mendoza: "Yes, they'll speak on your behalf, Representative."

Black: "All right. Now, who will appoint this ombudsman?"

Mendoza: "Well, the Department of Insurance would select someone who would be part of this program. And they said that they would incorporate this into what they're currently doing now, so..."

Black: "Will there only be one appointment, or one for every region of the state? How will that work?"

Mendoza: "Well, they'll be responsible for hiring, well actually, for hiring and selecting people, either as volunteers or that they can eventually have on their staff to provide this service."

Black: "All right. So, in other words, if a consumer has a question, or complaint, they could go to this office, correct?"

Mendoza: "Yes, and we'd have volunteers, or the Department would have volunteers who would be trained on how to properly guide people into what their options are."

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Black: "Their decision would not be binding upon the consumers that we represent, correct?"

Mendoza: "Absolutely not. And that's a great question, but, no."

Black: "All right. So, they are there to give advice and help our constituents get answers. If our constituent doesn't like the answer, then they are free to seek legal counsel or further clarification within the Department of Insurance."

Mendoza: "That's correct."

Black: "I think it's a great idea, Representative."

Mendoza: "Thank you, Representative."

Black: "Anything, that can help constituents cut through the confusion that currently exists on so many insurance policies, has to be a step in the right direction. And if you'll also sign my name on the one that Representative Coulson is enacting, I'd be forever grateful. Thank you."

Mendoza: "I'll do it, right now. Thank you."

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

Mendoza: "I just want to thank my colleagues and ask for your support on this Bill for the uninsured. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1505?' 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? Clerk, take the record. On Senate Bill 1505, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 406?"

Clerk Rossi: "Senate Bill 406 is on the Order of Senate

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Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purpose of an Amendment, at the request of the Sponsor. Senate Bill 174, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 174, a Bill for an Act in relation to gambling. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 174, all that it does is, it indicates that not-for-profit organizations that have bingos the current law says, that a member of that organization must be responsible for running the bingos. All this says is, it indicates that the manager/operator does not necessarily have to be a member. As you know, many of these organizations that have bingos sometimes have a problem manning them, and this would allow a nonmember to help manage. It could be the wife, it could be the husband of an individual who is a member of the organization that could run it. However, it should be noted, that these... you cannot run these operations and charge money. So therefore, it could not be like a contracted-out service, or anything like that."

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

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

Speaker Hartke: "State your inquiry."

Black: "I appreciate the Gentleman's explanation of the Bill, but it's our understanding that this Bill has been shelled by Committee Amendment #1, not offered by the Sponsor. Our records indicate that this is now a shell Bill, because it

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was shelled in committee by the Majority Leader."

Speaker Hartke: "Mr. Clerk, what kind of Amendments are on this Bill?"

Clerk Rossi: "There are no Amendments on the Bill, Representative Black."

Black: "All right."

Speaker Hartke: "Mr. Black."

Black: "The electronic Etch-A-Sketch indicated that Committee Amendment #1 had been added to the Bill. So, Representative Hoffman was successful in blocking the Majority Leader's attempt to shell his Bill. He's a very powerful man."

Speaker Hartke: "Mr. Hoffman."

Hoffman: "I just wanted to agree with that statement."

Black: "So, it's your intent to run the Bill as you explained it?"

Hoffman: "Yes. Yes."

Black: "And there... you did have opposition from ILCAP, and some others, I think, in committee?"

Hoffman: "Yeah. I think. But if you really look at it..."

Black: "On the..."

Hoffman: "...just the general concept of gambling, generally."

Black: "Right. Okay. Thank you."

Speaker Hartke: "The Chair recognizes Representative Reitz. This Bill is on Short Debate. Do you stand in opposition to the Bill?"

Reitz: "I'm not sure, Mr. Speaker. I just really wanted to mo... Representative Davis. We did take exception with that statement, when Representative Hoffman said he was very powerful. Thank you."

Speaker Hartke: "Your point is well-taken. Mr. Hoffman to close."

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Hoffman: "I just ask for an 'aye' vote. The all powerful Representative Hoffman asks for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall Senate Bill 174 pass?' 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 Senate Bill 174, there are 61 Members voting 'yes', 52 Members voting 'no', and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Page 13 of the Calendar, on Second Reading appears Senate Bill 10. Out of the record. Senate Bill 20, Representative Coulson. Out of the record. Senate Bill 71. Out of the record. Senate Bill 75, Representative Hoffman. Representative Hoffman. Out of the record. Senate Bill 78, Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 78, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 95, Representative Mathias. Representative Mathias. Out of the record. Senate Bill 101, Representative Kurtz. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 101, a Bill for an Act concerning public funds. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. Senate Bill 103, Representative Bost. Out of the record. Senate Bill 113, Representative Moore. Andrea Moore. Out of the record. Senate Bill 117,

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Representative Hamos. Julie Hamos. Out of the record.
Senate Bill 184. Out of the record. Senate Bill 285,
Representative Franks. Out of the record. Senate Bill
371, Representative Daniels. Lee Daniels. Mr. Clerk, read
the Bill."

Clerk Rossi: "Senate Bill 371, a Bill for an Act in relation to
public aid. Second Reading of this Senate Bill. Amendment
#1 was adopted in committee. No Motions have been filed.
No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. Senate Bill 397, Representative
Mathias. Out of the record. Senate Bill 400,
Representative Mitchell. Out of the record. Senate Bill
449, Representative Saviano. Out of the record. Senate
Bill 489, Representative Dart. Tom Dart. Out of the
record. Senate Bill 518, Representative Hamos. Out of the
record. Senate Bill 598, Representative Hassert. Mr.
Clerk, read the Bill."

Clerk Rossi: "Senate Bill 598, a Bill for an Act concerning
library districts. Second Reading of this Senate Bill. No
Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Hartke: "Third Reading. Senate Bill 616, Representative
Beaubien. Representative Beaubien. Out of the record.
Senate Bill 629, Representative Dart. Out of the record.
Senate Bill 699, Representative Hoffman. Representative
Hoffman. Out of the record. Senate Bill 725,
Representative Dart. Out of the record. Senate Bill 730,
Representative Moore. Out of the record. Senate Bill 754,
Representative Granberg. Representative Granberg. Out of
the record. Senate Bill 789, Representative Dart. Out of
the record. Senate Bill 795, Representative Madigan,
Hoffman. Out of the record. Senate Bill 796, Hoffman.

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Out of the record. Senate Bill 835, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 835, a Bill for an Act concerning state finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 836, Representative Mautino. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 836, a Bill for an Act amending the State Finance Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 837, Representative Poe. Raymond Poe. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 837, a Bill for an Act amending the Sick Leave Bank Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 846, Representative O'Connor. Out of the record. Senate Bill 838, Representative Klingler. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 838, a Bill for an Act in relation to child care. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 840, Representative Klingler. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 840, offered by Representative Klingler, a Bill for an Act concerning minors. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 842, Representative Wirsing. Representative Wirsing. Mr. Clerk, read the

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Bill."

Clerk Rossi: "Senate Bill 842, a Bill for an Act concerning children and family services. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 852, Representative Moore. Out of the record. Senate Bill 868, Representative Parke. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 868, a Bill for an Act in relation to workers' compensation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 873, Representative Winters. Dave Winters. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 873, a Bill for an Act in relation to public aid. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. For what reason does Mr. Giles seek recognition?"

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Giles: "Thank you, Mr. Speaker. Today we have here one of the schools that's in my legislative district, Sayre's Language Academy. We want to welcome them to Springfield. Thank you."

Speaker Hartke: "Welcome to your State Capitol. Senate Bill 898, Representative Schoenberg. Representative Schoenberg. Out of the record. Senate Bill 899, Representative Crotty. Representative Maggie Crotty. Out of the record. Senate Bill 915, Representative Slone. Out of the record. Senate

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Bill 926, Representative Erwin. Judy Erwin. Out of the record. Senate Bill 933, Representative Smith. Out of the record. Senate Bill 945, Representative Boland. Out of the record. Senate Bill 975, Representative Meyer. Out of the record. Senate Bill 984, Representative Moffitt. Out of the record. Senate Bill 989, Representative Schoenberg. Out of the record. Mr. Schoenberg, did you want to call 898? Senate Bill 991, Representative Madigan. Out of the record. Senate Bill 994, Representative Poe. Raymond Poe. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 994 has been read a second time..."

Speaker Hartke: "Out of the record. Senate Bill 1033, Representative Curry. Julie Curry. Out of the record. Senate Bill 1039, Representative Curry. Out of the record. Senate Bill 1069. Out of the record. Senate Bill 1089, Representative Saviano. Out of the record. Senate Bill 1109, Representative Hannig. Out of the record. Senate Bill 1128, Representative Novak. Phil Novak. Out of the record. Senate Bill 1176, Representative Moore. Andrea Moore. Andrea Moore. Out of the record. Senate Bill 1177, Representative Moore. Out of the record. Senate bill 1258. Out of the record. Senate Bill 1259. Out of the record. Senate Bill 1262, Representative Johnson. Mr. Clerk, read the Bill. The Amendment is in Rules."

Johnson: "This Amendment, is that in Rules?"

Speaker Hartke: "Yes."

Johnson: "I understand that's supposed to be out, or we won't get out."

Speaker Hartke: "Would you like to move the Bill to Third with the Amendment?"

Johnson: "Not without the Amendment."

Speaker Hartke: "Okay. Out of the record. Senate Bill 1276,

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Representative Coulson. Beth Coulson. Out of the record.
Senate Bill 1283, Representative May. Karen May. Out of
the record. Senate Bill 1309, Representative Hoffman. Jay
Hoffman. Out of the record. Senate Bill 1329, Mr. Parke.
Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1329, a Bill for an Act regarding
emergency medical services. Second Reading of this Senate
Bill. Amendment #1 was adopted in committee. No Motions
have been filed. Floor Amendment #2, offered by
Representative Burke, has been approved for consideration."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. I would move, that House Amendment
#1, be withdrawn."

Speaker Hartke: "Are you sure you want to..."

Burke: "Excuse me. I think I misspoke. The Motion should be to
table Amendment #1, Floor Amendment #1. And there may be
additional... I beg your pardon, it's Floor Amendment #2.
The Motion again, is to table Floor Amendment #2."

Speaker Hartke: "Would you like to withdraw Amendment #2?"

Burke: "Table."

Speaker Hartke: "No, withdraw Amendment #2."

Burke: "Now, it's withdraw. I defer to you, Mr. Speaker."

Speaker Hartke: "The Motion is withdrawn. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1493, Representative
Daniels... Moore. Out of the record. Senate Bill 1504,
Representative Bellock. Patty Bellock. Out of the record.
Senate Bill 1522, Representative Mathias. Out of the
record. Recognizes Representative Berns. For what reason
do you seek recognition?"

Berns: "Thank you, Mr. Speaker. I rise for a point of personal
privilege."

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Speaker Hartke: "State your point."

Berns: "I'm pleased to introduce to the House of Representatives a group of Russian visitors, who are visiting Illinois to learn more about libraries and local government in the United States. These folks are here as a part of the Mortensen Center for International Library Programs at the University of Illinois at Urbana-Champaign. And two of their partners, the Rudomino School at the Library for Foreign Literature in Moscow, and the Illinois State Library in Springfield. While at the University of Illinois at Urbana-Champaign, these Russian participants will meet with area libraries and librarians and officials in a wide range of governmental and nongovernmental institutions, and they're doing so to learn more about libraries in the United States. They're visiting Springfield, Chicago, Urbana-Champaign, and other parts of the State of Illinois. They're in the east gallery, and I'd like the House of Representatives to give these folks from Russia a fine House of Representative welcome."

Speaker Hartke: "Welcome to the United States and the State of Illinois. And the great Capitol here in Springfield. Recognizes Representative Black. For what reason do you seek recognition?"

Black: "Mr. Speaker, if I might rise to a point of personal privilege."

Speaker Hartke: "Yes."

Black: "Mr. Speaker, can you give us any direction, on when we might at long last, pass the supplemental appropriation Bill. I ask that on behalf of people, who need the low income heating assistance checks. The money is here. Our federal tax money is here. All we need to do is pass the supplemental. There are thousands of people in the State

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of Illinois, who have had their electricity cut off. Many of those could get back on if we just simply would distribute the Low Income Heating Assistance Program checks. The Miami Indian Tribe lawsuit landowners, the hundred thousand dollars is appropriated, but we can't release it. The salary increase for those developmentally disabled workers has been pending, and is retrospective until last July. I'm not shaving until we pass a supplemental. I'm not being critical. I'm not being judgmental. I just think that the four Leaders of this chamber, and the Members on both sides of the aisle in this chamber, and the Senate, can get together. And if we have to divide the question, so be it. But I would think that all of us should be outraged that it's May 16th, and we haven't passed a supplemental appropriation Bill, and there are people being hurt by that inaction. Mr. Speaker, we need to pass the supplemental appropriation Bill. And I urge you to ask the Senate and the House Leaders to get together, and do what we should have done two months ago."

Speaker Hartke: "Yes, Mr. Black. I agree. The Senate and the House have not seemed to reach an agreement, but, as soon as we do, that Bill will pass. Page 12 on the Calendar, on Senate Bills-Third Reading appears Senate Bill 698. Representative Feigenholtz. Out of the record. On page 13, on Senate Bills-Third Reading appears Senate Bill 1305. Representative Feigenholtz. Representative Feigenholtz, 1305. Out of the record. Page 12 of the Calendar, on Senate Bills-Third Reading appears Senate Bill 829. Representative Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 829, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

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Speaker Hartke: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 829 amends the Unified Code of Corrections to increase existing \$50 laboratory analysis fee which is assessed against defendants found guilty of drug offenses up to \$100. And the amount from this fee, collected by the Clerk of the Circuit Court to offset administrative costs would be increased from \$5 to \$10. Again, this is a fee that is assessed against those found guilty, and it is just simply to keep up with the cost of running these tests."

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

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

Speaker Hartke: "The Sponsor will yield."

Dart: "Jim, just real quickly. This would be an addition... an expansion of a fee against a defendant who was convicted. Is that correct?"

Meyer: "Only if the defendant is found guilty."

Dart: "Okay. So, once he's convicted, and these are for crime lab fees for..."

Meyer: "The drug testing."

Dart: "Drug testing?"

Meyer: "Yeah."

Dart: "So, is this for a defendant, who say, is being put on probation and part of his probation is that he has to go for drug testing? Is that what we're talking about?"

Meyer: "No. I believe it's through the course of finding... the courts would levy that as a part of the testing, that they did in terms of the initial cause, I believe."

Dart: "Yeah. But, I guess, what I'm trying to get at, Jim, is this for someone who's been convicted and is being put

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into, say, a substance abuse program and part of the probation is that they have to go in for drug testing? Is this for that instance, or is this for any testing that may have gone on during the course of, say, the trial, or prior to pleading guilty?"

Meyer: "You know, I believe it is. I'll tell you what, let me pull this out of the record for a second and make sure I have the right answer for you."

Speaker Hartke: "Pull this Bill out of the record. Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 294, offered by Representative Daniels; House Resolution 295, offered by Representative Osmond; House Resolution 296, offered by Representative Fowler; House Resolution 298, offered by Representative Miller; House Resolutions 299 and 300, offered by Representative Black; House Resolution 301, offered by Representative Ryder; House Bill (sic-Resolution) 302, offered by Representative Hoffman; House Bill (sic-Resolution) 305, offered by Representative Winkel; House Resolution 306, offered by Representative Zickus; House Resolution 307, offered by Representative Ryder; House Resolution 309, offered by Speaker Madigan; House Resolution 310, offered by Representative Bradley."

Speaker Hartke: "Any further Agreed Resolutions? All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolutions are adopted. Representative Younge, would you like to call House Resolution 168? Mr. Clerk, read the Resolution."

Clerk Rossi: "House Resolution 168, offered by Representative Wyvetter Younge."

Speaker Hartke: "Representative Younge."

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Younge: "Thank you, Mr. Speaker. House Resolution 168 would set up a task force, that would study how to integrate welfare recipients into state employment. The Members of the task force would be appointed by the Speaker. Three Members would be recommended by the Speaker and two by the Minority Leader of the House. And the task force would discuss the feasibility of requiring state agencies to provide the Department of Human Services with job announcements at the same time that the announcements are posted to positions. And there would be no interference in reference to anyone who was laid off as an employee, or expect to be rehired. We're not talking about welfare recipients going ahead of those groups. Also, the study group would go into the feasibility requiring employers who have state contracts to have five percent of their workforce former aid recipients. And I move for the adoption of the Resolution."

Speaker Hartke: "Is there any discussion on House Resolution 168? Seeing none, the question is, 'Shall the House adopt House Resolution 168? All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 168, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill (sic-Resolution), having received a Constitutional Majority, is hereby adopted. House Resolution 169, Mr. Steve Davis. Would you like to call that Resolution? Mr. Davis. Out of the record. House Resolution 171, Mr. Granberg. Out of the record. House Resolution 91, Mr. Burke. Danny Burke. Out of the record. House Resolution 176, Representative Howard, Constance Howard. Out of the record. House Resolution 184, Representative Barb Currie.

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Clerk, read the Resolution."

Clerk Rossi: "House Resolution 184, offered by Representative Barbara Currie."

Currie: "Thank you, Speaker and Members of the House. This Resolution asks the Department of Public Health to work with local agencies, and the Federal Government, along the beaches of Lake Michigan, in order to find out the causes and try to find a way to eliminate the bacterial problems that are closing beaches in my neighborhood, and in many others across the City of Chicago. Beaches in my area were closed up to as many as six and ten times last summer, and the summer before. And all this measure does is to try to get the experts in our State Department of Public Health to help us with the research, coordinate the scientific efforts that will not only make it possible to figure out what the cause is, but to solve the problem. I know of no opposition. And I'd be grateful for your support for House Resolution 184."

Speaker Hartke: "The Chair recognizes Representative Giles, discussion on House Resolution 184."

Giles: "Mr. Speaker, this is not on the House Resolution. It is a point of personal privilege."

Speaker Hartke: "Okay. We'll come back to you. Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I only know what I read in the Chicago papers, so you can blame them if I'm off base. I thought the cause, in fact, was known. I thought it was coliform bacteria, i.e., untreated human waste sewage."

Currie: "In fact, we know, that it is coliform, but we don't know

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where it comes from. Those are guesses. There was some problem that involved a leaking pipe, a leaking sewage pipe. That has been cured but I don't think that the answer is really in, on what causes the problem. The interesting thing, if it is human waste, the odd news would be, that in fact, these problems often clear up toward the end of the day. They're more serious in the morning. That suggests to me, that maybe, there is some different cause."

Black: "Could some of us not make an argument, that we have the same problem on waterways in our area?"

Currie: "Representative, if you do, I would advise you to take the approach I have taken here and ask for help from the Department of Public Health."

Black: "Would you let me amend it on its face to include the shores of beautiful Lake Vermilion?"

Currie: "I wish I could, but I can't."

Black: "Perhaps, I'll approach you at a different time. All right. Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 184?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 184, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt House Resolution 184. Representative Giles, for what reason do you seek recognition?"

Giles: "Thank you, Mr. Speaker, if the Body would indulge me on one more point of personal privilege."

Speaker Hartke: "State your point."

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

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House. Today, we have a very special guest with us today, a very unique person. We have Mrs. Dorothy Brown, Clerk of the Circuit Court, is here to visit us here in Springfield. Let's give her a hand."

Speaker Hartke: "Welcome, Ms. Brown. Welcome to Springfield, the State Capitol. On page 19 of the Calendar, on Second Reading of Senate Bills appears Senate Bill 1109. Mr. Clerk, read the Bill. 1109."

Clerk Rossi: "Senate Bill 1109, a Bill for an Act concerning the circulation of election petitions. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Meyer, are you ready? On Third Reading appears Senate Bill 629, Representative Meyer. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 629 has been read a third time, previously."

Speaker Hartke: "Representative Meyer."

Meyer: "Mr. Speaker, it should be 829."

Speaker Hartke: "Excuse me, that's not the Bill number. 829, excuse me. Mr. Meyer."

Meyer: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Thank you for your indulgence in letting me take this out of the record and then run it again. During that time, I had a short meeting with Representative Dart. And we've satisfied his concerns that this does not affect those that are on probation, on continued drug testing. It is for the initial drug testing for the charge that they're found guilty of. And it can be waived if the judge so finds that that..."

Speaker Hartke: "Please, Ladies and Gentlemen."

Meyer: "...person is indigent and cannot pay. Appreciate an

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'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 829?' 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? Representative May, would you like to vote on this Bill? Mr. Righter, would you like to vote on this Bill? Dale Righter. Mr. Clerk, take the record. On Senate Bill 829, there are 107 Members voting 'yes', 8 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Second Reading on House Bills appears House Bill 1815. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1815 has been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Motions have been filed. Floor Amendment #4, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. Amendment... Floor Amendment #4 to House Bill 1815 is a culmination of an agreement which we've made to effectuate the licensure of petroleum equipment contractors. This is an initiative of the Petroleum Equipment Contractors Association and the State Fire Marshal's Office. What this would do is license contractors who install petroleum equipment in gas stations and other facilities. We worked out a deal with the Illinois Petroleum Marketers and they're for the Bill. And I would appreciate your approval on adopting Floor Amendment #4 to House Bill 1815."

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

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Representative Cross on the Amendment."

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

Speaker Hartke: "The Sponsor will yield."

Cross: "Representative, it's a little chaotic in here today, is it true that you worked out all the disagreements on this Bill?"

Saviano: "Yes. It's been a long road, but everybody's come together in agreement. And we're ready to move on it."

Cross: "This sounds like a lot of your Bills. Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1... excuse me, Floor Amendment #4 to House Bill 1815?' 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 Rossi: "Floor Amendment #5, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Floor Amendment #5 to House Bill 1815 is cleanup for Floor Amendment #4. It adds some of the additional agreed language that we needed. And I would ask that you adopt Floor Amendment #5 to House Bill 1815."

Speaker Hartke: "Is there any discussion on Floor Amendment #5? The question is, 'Shall the House adopt Floor Amendment #5 to House Bill 1815?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Ladies and Gentlemen, the Chair

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would like to make an announcement. Please give me your attention. Shh. It has been determined that we will not be in Session Friday. There will be no Session this weekend. Friday being the deadline, those deadlines on Senate Bills will be extended one week. We will be in Session some time Monday, to a time to be determined. It may be late Monday. Ladies and Gentlemen, we have one piece of legislation that we would like to work on yet, before we leave. One piece of legislation. On page 10 on the Calendar, on House Bills-Third Reading appears House Bill 2087, Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2087, a Bill for an Act in relation to minors. Third Reading of this House Bill."

Speaker Hartke: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 2087 amends the Juvenile Court Act of 1987. It provides for adult criminal prosecution of a minor who was at least 15 at the time of the offense, who's charged with aggravated battery with a firearm, whether or not the offense was committed in a school or within a thousand feet of a school, or boarding or departing from a school conveyance. It also requires adult prosecution for three offenses; controlled substance, trafficking, calculated criminal drug conspiracy, and criminal drug conspiracy. The Bill also provides that the offense of possession with intent to deliver a controlled substance, which is now mandatory transferred to adult court, will no longer be mandatory if this offense is committed within a thousand feet of a school and will only be transferred to adult court if there is a Motion by the state and the same is granted by the court. The net effect of the Bill is to

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significantly reduce the number of automatic transfers of juvenile cases to adult court. And I would be glad to answer any questions and ask for your support on this Bill."

Speaker Hartke: "Ladies and Gentlemen, please... shh... please give your attention. There are three people seeking recognition and this Bill is on Short Debate. The Chair would like to recognize Representative Bost."

Bost: "Thank you, Mr. Speaker."

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

Bost: "I think it's a very serious Bill, but I've just... Simple question, is this the Sponsor's last Bill? Then we'll leave him alone."

Speaker Hartke: "Would you like to take the Bill off of Short Debate?"

Bost: "I would take the Bill off Short Debate."

Speaker Hartke: "Take this Bill off Short Debate. The Bill will be placed on Standard Debate. We will have three people speak in favor of the Bill and three people speak in response. The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. I rise in reluctant opposition to House Bill 2087. I know that the Sponsor has worked hard and that there are some good things in this Bill that creates an additional offense for which 15- and 16-year olds will be mandatorily transferred to adult court. The fact that he was willing to take out some of the drug charges is encouraging, but I have to tell you that the children who are charged with the other drug offenses that are not removed from the mandatory transfer provisions by this Bill are just like the ones that are. Children in Cook County last year who were arrested for delivering

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drugs, charged with delivering drugs, and mandatorily sentenced to adult court, what kind of kids are those? Really bad dudes, really bad apples? Let me tell ya the statistics; 69% of those kids, 69% had not a single juvenile conviction. Of those who were found guilty in adult court, 74% got probation, got a slap on the wrist. These are not bad dudes, these are not bad apples. And the time to take these convictions... these charges out of the mandatory transfer provision is now. You may know that the mandatory drug transfer provisions in current law seem to have a disparate racial impact. Of the 393 that were transferred in the last couple of years, only 3 were white. And last year, the figures are even worst. Something's wrong with the criminal justice system that treats juveniles as adults even when they're not, and even when they're not particularly bad dudes. Something is wrong with the criminal justice system when the racial difference between the children who are subject to the law's toils are a minority rather than white. So, I would urge my colleagues to take a look at the numbers, to recognize that if a youngster is convicted in adult court, that felony conviction goes with him the rest of his life. That's a child who will not be able to get student loans, a child who can't even go back and live at home if his parent is a licensed foster caregiver. It's a youngster who, as an adult, is gonna have a very hard time getting a job. Remember, that without an automatic transfer provision, any county prosecutor can ask the court to make the transfer in the event that the juvenile, in fact, is a truly bad apple. That system works. Illinois is one of only six states that does the automatic transfer program for drug offenses. It's a 12-year-old experiment. That experiment has failed.

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It should be an experiment that is ended in House Bill 2087. As it is not, I urge my colleagues to vote 'no' or 'present'."

Speaker Hartke: "Further discussion? Representative Currie spoke in opposition. The Chair recognizes Representative Lang. Do you speak in opposition to the Bill?"

Lang: "I didn't hear your question, Mr. Speaker."

Speaker Hartke: "Are you speaking in opposition to the Bill?"

Lang: "I believe I am. But first, I have a question of the Sponsor."

Speaker Hartke: "Proceed."

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

Speaker Hartke: "The Sponsor will yield."

Lang: "Representative, I think there's a lot of good in this Bill and I'd love to vote for it, but you have a provision in here, the provision that Representative Currie was discussing, that makes it problematic for me. Are you willing to take the mandatory transfer out of this Bill?"

Turner, J.: "We are taking mandatory transfer out for the crime of possession with intent to deliver."

Lang: "But are there other provisions that provide... in the Bill that provide for mandatory transfer of 15-year-olds, 14-year-olds?"

Turner, J.: "Fifteen- and sixteen-year-olds."

Lang: "All right."

Turner, J.: "Yes, three offenses, calculated criminal drug conspiracy. Excuse me, Representative Lang. The mandatory transfer in this Bill would be for controlled substance trafficking, calculated criminal drug conspiracy, and criminal drug conspiracy, and the offense of aggravated battery with a firearm, whether or not that offense is committed within a thousand feet of a school. Under

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existing law, it's a mandatory transfer only if it's committed within a thousand feet of a school. Under this measure, it would be an automatic transfer no matter where the crime was committed."

Lang: "Well, Representative, you heard Representative Currie discuss the statistics on how 60, 70, 80% of these young people are people without any kind of background. In fact, these are young people who are, today, mostly getting probation. And yet, you want to now take kids who would today, under today's law, get probation and make a giant leap and make it a mandatory transfer. Is that your plan here?"

Turner, J.: "No. No. And thank you for asking that question. It's just the opposite. I've got the same data that the Majority Leader has. I've certainly read the press clippings regarding this legislation. I've seen what the ACLU has put out with regard to the number of transfers and how it has improperly and biasly affected the minorities. I'm concerned with that, obviously. That's what I'm trying to address, Representative. That's exactly why I'm bringing the Bill, because I want to reduce the number of automatic transfers. Now, I understand that the Bar Association and the ACLU would like me to amend the Bill to include all deliveries of controlled substances at school grounds. We could put that into this Bill, we could do that. But if we do that, it most assuredly will fail. It will fail because it's going to give the impression of being soft on crime. And the reason is because the problem is only in Cook County, with regard to automatic transfers, to my knowledge at least. It's not anyplace else in the State of Illinois. So, therefore, unless you are from Cook County, if we add in the delivery... in other words, make

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delivery an offense where an automatic transfer is not required, then in that instance, we're all gonna be subjected to fliers from each side of the aisle, to press clippings saying that we were soft on crime. We weakened the criminal law with regard to delivery of substances on our school grounds to our children. I understand that that pragmatically is impossible to get through this side... the House of Representatives and the Senate. And I don't even know if this Bill can pass here or get through the Senate. But the intention of this Bill is to reduce the number of automatic transfers. Now, I will give you... in taking out the crime of possession with intent to deliver and thereby taking away automatic transfers as to many crimes, there's a give and take. We're adding something back in, the very serious offense of aggravated battery with a firearm and three extremely serious offenses with regard to drugs; controlled substance trafficking, calculated criminal drug conspiracy, criminal drug conspiracy. I don't have data as to this, Lou, but my guess is as to those three crimes, probably Motions to transfer those to adult court are usually granted anyway."

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

Speaker Hartke: "To the Bill."

Lang: "The Gentleman took most of my time up with his answer. Ladies and Gentlemen, this is a Bill that will further stigmatize minority youth. It's not a Bill that's gonna make things better. It's gonna put more minority youth in the criminal justice system and make it impossible for them to straighten out their lives. We ought to be looking at legislation to help these young people, rather than to stigmatize them. Every expert on this subject that I've read will tell you that this is exactly the wrong way to

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go. It's time that we not worry about being soft on crime, but that we worry about being right on crime. This is not it..."

Speaker Hartke: "Further discussion? There are still five people seeking recognition. Representative Flowers, do you stand in opposition to this Bill?"

Flowers: "I do, Mr. Speaker."

Speaker Hartke: "Would you like to first move that we move to Extended Debate?"

Flowers: "Yes, Mr. Speaker, would you please? Thank you very much."

Speaker Hartke: "There are sufficient hands to move this to Extended Debate? We are now on an Extended Debate. Representative Flowers, you have five minutes."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Gentleman yield, please?"

Speaker Hartke: "The Sponsor will yield."

Flowers: "Representative Turner, would you please tell me how society would be better by taking children and putting them in the prison with adults longer? And please take into consideration, these are some of the same children that our educational system in this state has not fully funded. Please take into consideration that these are some of the same children that have been abused and misused by an adult or adults in this state. And also, please take into consideration that this state had over 50,000 children lingering in the state systems as wards of the state. So, now, explain to me, because we, as adults have not done the best that we could do on behalf of these children. And now, we're going to further punish them. What purpose will we become safer by locking up children longer? And would it be more of a burden on the taxpayer of the State of

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Illinois? And one other question, Sir, could you please tell me how much would it cost for us to send these kids to college versus keeping them in the prison system where they would be a tax burden on the people of the State of Illinois? And my last question to you, Sir, does this Bill... when you speak of the drugs, are we talking about the drug Ecstasy and the other drugs that the vast majority of white kids, what they use, and the depth that they... the drugs that they use, that they're causing with other children? So, would you please try to remember those questions and answer them for me? Thank you. And I'm not finished, Mr. Speaker."

Turner, J.: "Thank you, Representative. That was a compound question, but I think I remember most of it. Your initial inquiry was, how is this going to improve society to put children in prison rather than to educate them? And obviously, that's not going to improve society. That's exactly what I'm trying to address here. I want you to understand, Representative, that I think you and I are on the same page with this Bill. I know you think you're in opposition to it. I want to try to talk you out of being opposed to it. Because there are a number of cases... a large number of cases in Cook County that are transferred to adult court every year. They're transferred... The crime that causes the transfer in most cases is the crime of possession with intent to deliver."

Flowers: "Excuse me. Mr. Speaker, would you please bring some order in this House..."

Speaker Hartke: "Shh."

Flowers: "...so I can hear the Gentleman's..."

Speaker Hartke: "Shh."

Flowers: "...answer to my important questions?"

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Speaker Hartke: "Please, Ladies and Gentlemen, this is a very important Bill. If we have to repeat the questions and answers, it'll take longer. Please, shh. Mr. Turner."

Turner, J.: "As I was saying... Thank you, Mr. Speaker. The crime which causes the most automatic transfers is the crime of possession of a controlled substance with the intent to deliver the same. My Bill says that that will no longer... that crime will no longer require an automatic transfer. So, I am removing that from the statute. I'm saying, that crime no longer results in automatic transfer. The only way that's ever gonna get transferred to adult court under my Bill is if there is a Motion made, if there are certain findings found of something showing that it's an egregious particular situation, or there are aggravating factors, and the court grants it. Now, I am... I want you to understand this, I am adding in four other crimes for an automatic transfer; aggravated battery with a firearm, whether or not it's within a thousand feet of a school, and then the three very serious drug offenses. But the net effect, Representative... and I hope everybody's listening... the net effect is to reduce the number of automatic transfers, reduce the number of those kids that are going to prison instead of getting education, reduce the number of those children who are gonna have an adult felony conviction to carry arou..."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Johnson. Mr. Johnson, do you stand in favor of this Bill?"

Johnson: "Yes. Yes, Mr. Speaker, Members of the House."

Speaker Hartke: "Proceed."

Johnson: "John, I just want to ask one question and I don't think that we can say it often enough reference to this Bill."

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This Bill, based on current numbers in Cook County, would have a net effect of drastically reducing the numbers of automatic transfers, is that correct?"

Turner, J.: "That is correct, Representative."

Johnson: "Okay. To the Bill."

Speaker Hartke: "To the Bill."

Johnson: "I believe that research and what we have learned over the years concerning automatic transfers of juveniles, that this was an era whose time is quickly going. Unfortunately, we very seldom in here get a pure Bill to, in essence, get to the... what I believe ultimately we need to get to and that is probably an elimination once and for all of all of our automatic transfers. The research has shown that as we've moved down the path of automatic transfers, the net effect has been less time really spent by those who have been automatically transferred, a dramatic increase in plea bargains, and the limited effect that we currently have with the Juvenile Court Act and the juvenile system to work with our juveniles. Ultimately, I'm with Representative Currie on this that we need to continue to scale back in terms of automatic. We have discretionary transfers and I believe that that's what needs to be done. We need to look at each of these individual children of ours and in fact, impose appropriate sanctions based on who they are. This is not, in my opinion, a perfect Bill, but it moves us in a direction that we need to go. And it's for that reason I urge you to support this piece of legislation. But I also urge all of you in here to continue to look at the big picture, and that is, that as we move down the path and we know more and more about what this automatic transfer stuff has wrought, that we will in fact, return to some mode of sensibility.

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And I think we're doing that with this Bill. So, I would appreciate your support of it. Thank you."

Speaker Hartke: "Further discussion? This Bill is on Extended Debate, which means that four will people will speak in opposition, five in favor of the Bill. The Chair recognizes Representative Monique Davis. Do you stand in favor or oppose the Bill?"

Davis, M.: "Mr. Chairman, I'm asking for Unlimited Debate."

Speaker Hartke: "That seeks a..."

Davis, M.: "We're seeking Unlimited Debate on the Bill."

Speaker Hartke: "The Bill will be..."

Davis, M.: "Unlimited."

Speaker Hartke: "The Bill will be placed on Unlimited Debate."

Davis, M.: "Thank you, Mr. Chairman."

Speaker Hartke: "You will be granted five minutes. Proceed."

Davis, M.: "I'm speaking in opposition to the Bill. First of all, I'd like to know, does the prosecutor... the state's attorney make the decision of what the charge will be, whether it'll be delivery with intent or possession? The prosecutor makes that determination, right?"

Turner, J.: "Prosecutor is responsible for filing charges, that's correct."

Davis, M.: "Do you know why, Representative Johnson... Turner... Representative Turner, do you know why 99.5% of those charged as adults are African American or Latino? Do white kids use drugs?"

Turner, J.: "My guess is that, sure, white kids do use drugs."

Davis, M.: "What charges do they get?"

Turner, J.: "And I don't..."

Davis, M.: "What are the charges?"

Turner, J.: "I don't know, but I... I don't know, Representative. And I'm not standing before you telling you that I like to

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read these statistics showing that 99% of the cases transferred are for African Americans. That disturbs me, it upsets me, it bothers me. That's why I'm trying to do something about it. I'm trying to reduce that number with this Bill."

Davis, M.: "But what you're doing, Representative, is increasing the number because you're widening the net of who will be picked up. Now..."

Turner, J.: "That is incorrect."

Davis, M.: "Didn't you say... Doesn't your Bill say 'aggravated battery'?"

Turner, J.: "Aggravated battery with a firearm where someone shoots someone with a gun and causes serious harm to that person."

Davis, M.: "Can't they just carry it and be charged with aggravated battery?"

Turner, J.: "No. Battery requires an intentional, knowing use of the gun, it requires harm. Moreover, to address what you're talking about, in 1999, there were 192 automatic transfers in Cook County for the crime of possession with intent to deliver. There were only 40 aggravated batteries with a firearm. In 2000, the numbers were 167 to 35. The reduction is very significant in the raw data. And if you look at the percentages, it's gigantic. You should be in favor of this Bill, if you don't like automatic transfers."

Davis, M.: "Representative Turner, is your objective to incarcerate youth or is your objective to stop the use of drugs in the State of Illinois?"

Turner, J.: "You'll have to repeat that, I did not hear what you said."

Davis, M.: "I said, is your intent with this legislation to simply incarcerate youth and have them charged as adults

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with the mind of an adult, with the ability to reason as an adult? Is your intent in these automatic transfers to incarcerate young African-American and Latino males, or is your intent to stop the purchase of drugs in the State of Illinois? Have to think about it?"

Turner, J.: "I don't understand your question. I don't know if you're..."

Davis, M.: "My question..."

Turner, J.: "I don't know if you're trying to be sardonic or not. I just responded to your last two questions by telling you, my intent is to reduce the number of automatic transfers. I would say that the two options you've left me, I probably couldn't agree to either one of 'em. I just did not hear the latter part of the second one."

Davis, M.: "I don't see how you can think that... Sardonic, I am that, and I'm Monique Davis, too. If you believe that delivery with intent will reduce the number of incarcerated youth who are charged as adults is different than those with possession, you're saying there's a difference here?"

Turner, J.: "Well, yes, there's a difference there."

Davis, M.: "What is it?"

Turner, J.: "I'm not saying that there is one..."

Davis, M.: "How does the judge..."

Turner, J.: "...it's in the statute."

Davis, M.: "How does the judge determine what the difference is?"

Turner, J.: "Well, there are elements for possession with the intent to deliver which are different than delivery. Delivery is an exchange. Possession with intent to deliver usually is based upon possession by amount or by other activity showing that that person was not just a user, but intended to transfer to another person."

Davis, M.: "Well..."

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Turner, J.: "It's not something that I'm making up, it's something that's been codified for many, many years."

Davis, M.: "But don't you think by removing the 1,000 feet is going to snare a lot more youth?"

Turner, J.: "I'm not removing 1,000 feet, except as to the offense of aggravated battery with a firearm. And I think... Yes, you may not like this, but I think that should be an automatic transfer. I think if a 15- or 16-year old picks up a gun and shoots someone willfully intentionally, then that should be an automatic transfer. I don't, however, think possession with intent to deliver a controlled substance should be an automatic transfer. I think the exchange is a good one."

Davis, M.: "To the Bill."

Turner, J.: "You should vote for this Bill."

Davis, M.: "To the Bill..."

Speaker Hartke: "To the Bill."

Davis, M.: "...Mr. Speaker. Once again, the House of Represen..."

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

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I do have one question of the Sponsor and that is on the issue of calculated criminal drug conspiracy. John, as you know, I'm not a lawyer and I'm just trying to get some layman's clarity as to what does that mean."

Turner, J.: "Yes, Representative Turner, I will look in the statute and give you an answer to that. Okay. It's found, for those of you who might be looking at the statutes, at Chapter 720, Illinois Compiled Statutes, 570/405, 'any

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person who engages in calculated criminal drug conspiracy would be charged as a Class X felon.' And for purposes of the Section, a person engages in calculated criminal drug conspiracy when he or she violates any of the provisions of 401, which are the drug offenses with regard to controlled substance and such violation is a part of a conspiracy undertaken or carried on with two or more other persons and that person obtains anything of value greater than \$500 from, or organized, directs, or finances such violation or conspiracy."

Turner, A.: "So, it's that \$500 threshold that, if I were to try to shorten this... \$500 threshold that makes it different than, just say, drug conspiracy?"

Turner, J.: "Is calculated criminal drug conspiracy different than criminal drug conspiracy, Representative, was that your question?"

Turner, A.: "Right."

Turner, J.: "Yes, it is. Criminal drug conspiracy is found at 405.1."

Turner, A.: "John, I stand... I don't know whether I'm in support or in opposition to the Bill. I hear you and I've heard others say that this Bill, and you can tell me if I'm correct, will reduce the number of transfers by 50%. Am I correct?"

Turner, J.: "I'm gonna rely upon the information I've been given by the Cook County State's Attorneys Office. I, obviously, don't have any data from there. And... The materials that they gave me... I'll just read you one sentence from it, 'the net effect of this Bill is that 70 to 80% of the minors charged under Section 401, the drug offenses who now go to adult court would go to juvenile court under the change made by the Bill.' I can only tell you that that

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has been the information represented to me from the Cook County State's Attorneys Office."

Turner, A.: "Does the state's attorney say whether the percentage of African Americans or Hispanics will change, also, as a result of that? I hear 70% reduction. Will it be 70% fewer minorities arrested as a result of this reduction?"

Turner, J.: "Well, now, it doesn't say that. But in fairness to the Cook County State's Attorney, they do cite the statistics used by the ACLU and the Bar Association talking about the... They use the 99% of the juveniles transferred being African Americans, they recognize that it is a problem. I certainly recognize that it is a problem. I want to do what I can to solve that problem. I think this Bill is a step in the right direction, it just doesn't go as far as some people would like for it to. But certainly... I won't be here next year. But if we fix part of the problem this year and can fix another part of it next year, if we can get it done at an incremental fashion, that's better than doing nothing today. If we kill this Bill, we do nothing."

Turner, A.: "Representative, I commend what you're trying to do and I accept the fact that it may, in fact, reduce the numbers by 50%, 60%, 70%, whatever it is. But the reality is, is that 99% of the people still transferred will be black or Latino. And I have heard nobody from the Cook County State's Attorneys Office or anyone else say how they want to address that impropriety. I think it's ironic that... and I think it's sad day when we can sit here and say that, well, we realize that the law we passed has an adversarial impact on a particular race of people in this state. And yet, politically, it ain't the right thing to do to correct a mistake that we've made, because it may be

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something that's used against us as a result of our upcoming election. I don't believe that's the way government should run. And when we talk about all the things that go on that affect all the other human service needs, our educational concerns, why there's low morale in the schools, why people say, 'to hell with the system', it's because of the things that we do and the way that we consider legislation here today. I commend you for coming with this 50%. So, that means that half of the group won't be going to jail. I don't commend us, because I think that we could do much better than 50% and we can really start to address the real issue. The reality..."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black. You have five minutes."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, in the noise in the chamber, I've not been able to hear one fundamental fact. In your opinion, will there be fewer juveniles automatically transferred to adult court should this Bill pass?"

Turner, J.: "Absolutely."

Black: "Thank you very much. Mr. Speaker and Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

Black: "There are a number of inequities in the current Juvenile Code that need to be corrected. This Bill does not correct all of them. Let me just go over something that shows you the current inequities that the Sponsor is trying to change. A 15- or a 16-year old, and you go out and rob someone at gunpoint, you are transferred automatically to adult court. However, if a 15- or a 16-year-old juvenile

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victim shoots them, as happened in Chicago, in that case, a 15-year-old juvenile who had shot the victim had committed an armed robbery with a firearm of another victim shortly before the shooting. The juvenile was automatically transferred to adult court on the armed robbery case, but was taken to the juvenile court when he shot someone. Now, that doesn't make any sense. If you're going to abuse a firearm and you're 15- or 16-years-old, that is a serious crime that could take your life or a member of your family. And if you do that, you should accept the responsibilities of that action and you should be tried as an adult. You know, Ladies and Gentlemen of the House, the Gentleman bringing this Bill to you has been a public defender. He has defended people charged with the crimes in this Bill. He has been a prosecutor. He has been on the other side of the bench, he has prosecuted. This is not an intellectual exercise for this Gentleman. He has been there, he has defended people, he has prosecuted people, and he will soon sit in the most sacred position available to anybody, that of a judge. I don't believe this man has a reputation of being cavalier with the rights of anyone, be they white, black, or Latino. What he has crafted is a Bill that greatly reduces the number of automatic transfers and yet, calls on those people who have no respect for your life or the life of your friends and family and he says to them, you will be held accountable if you take a firearm and shoot somebody, you will in fact, be transferred to adult court. Whereas today, if you shoot someone, you go to juvenile court. But if you hold somebody up with an armed robbery intent and don't fire the gun, you're automatically transferred. That doesn't make any sense. It's not a perfect Bill, it's not a perfect world, but it does send a

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message to those 15- and 16-year-olds, is that you will be held accountable according to the seriousness of your crime. And that isn't a racial issue, it isn't a regional issue, it's simply an issue of justice. And if you don't believe that, then when somebody comes up to you and robs you and shoots you, you come back then if you're lucky enough to recover and tell me that juvenile was simply misguided and should go to juvenile court and get probation. Not if they use the gun, not if they take a life, not if they shoot somebody, not if they rob me of my sense of safety and well-being, that isn't right no matter where it occurs in this state. It's a good Bill. It's a step in the right direction. It does, in fact, take many juveniles out of the automatic transfer provision, which is what we should be working on. But this Bill, as crafted by the Sponsor, is worthy of your vote."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Howard. You have five minutes."

Howard: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Flowers."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker."

Speaker Hartke: "You have an additional five minutes."

Flowers: "Representative Turner, I'm not gonna ask you any more questions because I just want to make a statement. The previous speaker spoke and said that people should be held accountable to the seriousness of the crime. That's not the law, Sir. We have a juvenile justice system, we have an adult prison system. If we are go... If these are juveniles, they should be treated accordingly to the system. What purpose I will ask you, will it serve for us to have a juvenile locked up in an adult prison system? We

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know that men are raping men in the prison system. We're not trying to stop that, but yet it's something that's perpetuating. We're not locking these children up for life. So, what's gonna happen when they come out, become bigger and greater predators because of what we've done? And Sir, let me say this, punitive, punitive, punitive is what we have been in this House as long as I've been here. We are not providing summer jobs for the children. In a few months, there will be thousands of children on the streets with nothing to do. Once again, I will say to you, we are not providing fully-funded education, there are children out there without books, without heat, without windows. There's all types of environment in which our children have to deal with. And I understand the seriousness of the crime. But my point to you, Sir, again, is we have the juvenile justice system, we have judges. You are going to be a judge. I don't want to tie your hand, I want you to have the opportunity to make the intelligent decision according to the law. And the fact of the matter is, Sir, we have two sets of rules here. In the headlines of the news, there has been a case over 30 some odd years old or 20 whatever it is about a Kennedy family member who is now being charged as a juvenile and he is an adult. Two sets of rules, Sir. That's not appropriate. We shouldn't do that. This law is discriminatory because once again, 99.9% of the people that this affects is minority children. And until such time justice is truly blind, I think we should forego this legislation and allow juveniles to be treated in the juvenile courts and allow adults to be treated in the adult courts. Would you please answer my question once again, Sir, what purpose will this serve the people of the State of Illinois?"

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Turner, J.: "Yes. The purpose would be to reduce very significantly the number of automatic transfers. Representative, I respect you very much, I respect the arguments that you're making. I'm not disagreeing that there is a problem. I'm, in fact, telling you that's why I'm bringing the Bill. This isn't, Representative, in some way to try to further my career. It isn't because I need to do another Bill before I leave the General Assembly, it's 'cause I think it's the right thing to do. You raise very, very good arguments. And so, what I want to say to you is this, let's at least take a step in the right direction, let's reduce the number of automatic transfers. If you vote 'no', if you successfully defeat the Bill today, there will most assuredly, without equivocation be many, many more automatic transfers. And if you look at the raw data, probably 125 or more than there would be if you would support the Bill."

Flowers: "What else does this Bill do? You said it reduce the number of automatic transfer and what else?"

Turner, J.: "That's the net effect. But as to what exactly it does, is it does put four new crimes requiring automatic transfer, but there... and then it takes out possession with intent to deliver."

Flowers: "Sir, would you do me a favor?"

Turner, J.: "That's all it does."

Flowers: "If your intentions are good, would you please be so kind as to pull the Bill out of the record and let's just leave in the Section about the automatic transfer in reducing that number? Because I agree with you, I want to reduce it. As a matter of fact, I want to eliminate it. I would like for... Once again, the reason why we have the juvenile justice system, the reason why we have judges that

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sit in the juvenile court is to deal with juveniles. We have not passed a law to eliminate saying all males over..."

Turner, J.: "Representative, you are in the Majority Party."

Flowers: "...a certain age are no longer juveniles."

Turner, J.: "The Majority Leader has a Bill that does exactly what you want it to do. Call the Bill. If you think it's gonna pass, call it. If you think that's a pragmatic way to deal with this problem..."

Flowers: "I want to support you, Sir."

Turner, J.: "...call it."

Flowers: "I want this..."

Turner, J.: "I'm not in the Re..."

Flowers: "...Bill... This Bill is here..."

Turner, J.: "I'm not in the Democratic Party..."

Flowers: "...and I want to..."

Speaker Hartke: "Mr. Turner, please allow..."

Turner, J.: "I'm trying to solve a problem."

Speaker Hartke: "Please allow Representative Flowers to finish her question."

Flowers: "I would like for you, Sir, to pull your Bill out of the record. I would like for you, Sir, to amend it because you, too, want the same thing that I want. So, my point to you, let's not be punitive, let's do something positive, and let's eliminate the automatic transfer. And I'll be more than happy with you to work with you on this... our Leadership's Bill."

Turner, J.: "If I were to amend the Bill the way you just suggested, it would be the same as another Bill, a Bill that you are in control of. The Majority Leader has filed it. It's out of committee. It's on Second, it can be moved to Third, you can call it. If you think you can get

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the Bill passed, I suggest you call that. There's no point in amending my Bill and making it exactly like another Bill. I'm telling you, I believe that there's a problem and that we can knock out a part of the problem, not all of it. If you want to go for it and go with the other Bill, do so. I would suggest you should vote for mine. At least you're stomping... or taking away..."

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

Jefferson: "Thank you, Mr. Speaker. I would yield my time to Representative Monique Davis."

Speaker Hartke: "Representative Davis, you have another five minutes."

Davis, M.: "Thank you very much. I'd like to know what calculated criminal drug conspiracy is and how do you prove such."

Turner, J.: "Representative, I've read the verbatim definition of that crime to Representative Turner about 15 minutes ago, but I'll be glad to do so again if you did not hear 'cause it is loud in here. For purposes of..."

Speaker Hartke: "Shh."

Turner, J.: "...calculated criminal drug conspiracy, the following applies; a person engages in number one: that he violates any of the provisions of subsections (a) or(c) of Section 401, which is the drug provision."

Davis, M.: "Now, that's for adults, is that correct?"

Turner, J.: "Well, it's for either adults or juveniles."

Davis, M.: "Well, now it's gonna be for juveniles, but currently, it's for adults. To the Bill again, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "All... Excuse me. The automatic drug transfer provision disproportionately impacts inner-city minority

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youth 99%. That was stated by the Illinois racial impact of Illinois practices on youthful offenders. Charges with direct delivery or with possession with intent to deliver, 99% are minority. The racial disparities uncovered by this report are appalling and the cry out for correction. Paul Simon, former United States Senator, the Catholic Conference of Illinois, calls for a reexamination of the laws that have resulted in an alarming number of youth, especially youth from the African-American and Hispanic community being transferred from juvenile court to the adult court. That was by the Catholic Conference of Illinois and a group on racial disparities. The impact of these laws is discriminatory, negative, and anything but color-blind. It is shown in the study just released by the Building Blocks for Youth Initiatives, by sending more and more black youth to prison, state officials are contributing to the incapacitation, the poverty, the addiction, the hopelessness, the lack of employment in the black community. Mr. James Compton, President and CEO of the Chicago Urban League, these authentic (sic-automatic) transfer laws go against the very core admission of MALDEF, as well as against the philosophy underlying the creation of the juvenile court system in the first place. The rehabilitation of young offenders is what we should be seeking. This is by the Office of the Mexican American Legal Defense and Education Fund. Again, this report emphasizes the utilization of laws that try to fit every youth into the juvenile or adult justice system based solely on a formula of offense plus age cannot meet the needs of young offenders or the public. State and communities must collaborate in an effort to better understand racial disparities where they exist and

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implement the necessary reforms. Now, this was stated by the United States Justice Department, the Office of Juvenile Justice and Delinquency Prevention. The Illinois automatic transfer laws have produced racial disparities that are second to none in the nation. This was by Marc Mauer, Assistant Director of the Sentencing Project in Washington, D.C. Where is the justice when 15- and 16-year-olds are criminalized and stigmatized by the adult justice system to nonviolent drug offenders? This was by Marian Wright Edelman of the Children's Defense Foundation (sic-Fund). Over 40 Illinois organizations have joined the Justice for Illinois Youth Campaign and they're opposed to this Bill; the Illinois Caucus for Adolescent Health, the League of Women Voters of Illinois, the Illinois Parent Teacher Association, the Chicago Area Project, the John Howard Association, Community Behavioral Healthcare Association, the Juvenile Justice Initiative, Rainbow PUSH Coalition, the Voices for Illinois Children, the Chicago Urban League, the Chicago National something or other. But anyway, as you can see, over 40 organizations are against your Bill. Should this Bill get the requisite number of votes, Sir, I request a Roll Call."

Speaker Hartke: "You may request a verification. Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan. You have five minutes."

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative Turner, I'm sorry to ask you more questions on this Bill. I had thought earlier in the day that I had made up my mind how to vote for it. And then, in listening to the debate, I am now a little more confused than I was when we started. And I am very interested in

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this issue, particularly, since my dad was murdered by five young men, two of whom were 15 and never went to jail. My understanding is that what is left in your Bill is the mandatory transfer of a shooter that's juvenile to adult court and not the mandatory transfer any longer of people that are drug trafficking or have used drugs. So, you're eliminating mandatory transfer in the area of drugs and just adding for someone that actually shoots someone?"

Turner, J.: "Not exactly, as they say."

Mulligan: "Okay."

Turner, J.: "All right."

Mulligan: "That's what I want to find out."

Turner, J.: "We're adding in a provision for automatic transfer for aggravated battery with a firearm, whether or not that offense occurs within 1,000 feet of a school. If it occurs within 1,000 feet, it's already automatic transfer."

Mulligan: "Okay."

Turner, J.: "We are saying now it will be automatic transfer, always. We are adding three other crimes which will be automatic transfers; controlled substance trafficking, calculated criminal drug conspiracy, and criminal drug conspiracy. However, and this is a gigantic however, we are taking out the most often committed offense of possession with intent to deliver a controlled substance. So, the net effect is to reduce significantly the number of automatic transfers. All of those who so far have been critical of the Bill and seem to suggest that my Bill's the cause for all the problems that have existed for the last 20 years, all those people are citing a concern that I am addressing with this Bill. That's why I'm bringing the Bill."

Mulligan: "All right. See, that's where I have gotten confused."

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It's my understanding what you're doing is, and I don't mean this in a derogatory way, is doing half a loaf of what they wanted rather than the whole loaf. The whole loaf would have been in Representative Currie's Bill, which is stuck and not come out. So, because you are not taking it all the way and eliminating a problem that obviously, has been created by either the Cook County State's Attorney or is perceived to have been created by the Cook County State's Attorney, you are giving them half of what they want but not all of what they want. And therefore, we're not supposed to pass your Bill. Is that the impression I'm getting?"

Turner, J.: "It's my opinion that the way you've expressed that is accurate. I'm not going as far as they would like for me to go. But I'm not doing so, number one, because there's already a Bill filed to do that and number two, I don't think it would pass if we did what they wanted. I think we should make an improvement and then perhaps, next year you can take out delivery, as well."

Mulligan: "All right. So, this would go after shooters and aggravated battery, this would go after drug dealers, it would not no longer mean... it would mean now that people that have possession or are using would not be automatically transferred, which they currently are now. So, you're improving the current situation in that area. There is nothing in this Bill that says we cannot extend it, create a task force, or look at the overall issue that is being cited about mandatory transfer of all juveniles. And there is nothing in this Bill that says that Representative Currie's Bill could not be passed at a later date if it was given an extension in time."

Turner, J.: "Absolutely correct. And in fact, the last

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Representative cited, Paul Simon, and many, many others who I don't think they said they're necessarily against my Bill, maybe they did, but I think they were referring to the problem, the problem of the automatic transfers and the harm that has come to children and the problem that 99% of those are African Americans. Those are problems absolutely, unequivocally. I don't disagree with the people who are concerned about those problems, I'm trying to do what I can with this piece of legislation to address those problems."

Mulligan: "All right. I just find it very interesting that the Bill that they would consider better, which they have control over, is not coming to the Body, but yet you're trying to do part of the issue and we're not supposed to pass it. So, I think you've changed my opinion. And after this long debate, I was really concerned about what I was gonna do, but you've straightened it out. Thank you."

Turner, J.: "Thank you, Representative."

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

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

Speaker Hartke: "Sponsor yields. You have five minutes."

Delgado: "Thank you, Mr. Speaker. Representative, we talked about this in committee on Jud-II. So... You indicated to me in committee that this Bill would reduce the transfers of drug cases from juvenile to adult courts and as sort of a seesaw, then you're gonna trade it for the assaults with a firearm and put that in adult court. And then that... Is that what that Bill does?"

Turner, J.: "Yes, that's what it does."

Delgado: "Okay. So, then, if a 14-year-old commits that shooting 'cause he's being initiated and drive by and shoots at

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someone, shoots him, that young man or young lady... or that young man is gonna go to Menard or Pontiac, is that correct?"

Turner, J.: "The automatic transfers are for 15- and 16-year-olds. Fifteen- and sixteen-year-olds."

Delgado: "Fifteen- and sixteen-year-olds. So, if they're convicted, they can be convicted for 25 to life?"

Turner, J.: "I believe aggravated battery with a firearm is an X, six to thirty."

Delgado: "Six to thirty?"

Turner, J.: "Yes."

Delgado: "All right. I know use... Did your... You convinced me on your persuasive side about if we don't make any changes with this Bill today, the sta... we're voting on the status quo. So, those of us who feel that drug cases are going to prison anyway, your Bill... this Bill will help us eliminate those drug cases that are going to prison, is that correct?"

Turner, J.: "Yes, that's true because the bulk of those are... the bulk of those are a result of the crime of possession with intent to deliver. That is the crime that is removed from the automatic transfer portion of the statute."

Delgado: "Okay. And do you agree that at one point in time in our society, and I know you're gonna go to your public court level, these juveniles... It's my opinion that we want to submit to you that a juvenile justice detention maximum security would be in order to have these juveniles be housed with juveniles of similar crimes and behaviors versus sending them down to an adult prison, which seems to be on the mind of a lot of Legislators here. And that seems to be the biggest concern which we can't remedy here today."

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Turner, J.: "It seems to be the concern. I know there's opposition to my Bill, but the reasons that I've heard in opposition I don't understand, frankly, 'cause I'm trying to address exactly what the opposition is, and that is to reduce the number of automatic transfers. So, I don't..."

Delgado: "Mr. Speaker."

Turner, J.: "I don't want really, the Representatives to make a bad vote because I think they should know that if they vote 'no', they are actually voting to have..."

Delgado: "Actually..."

Turner, J.: "...more automatic transfers instead of..."

Delgado: "Actually, you're..."

Turner, J.: "...fewer."

Delgado: "...gonna have more automatic transfers to adult prisons on drug possessions, on marijuana possessions, on an ounce of cocaine, on... if you get caught with uppers or downers, if you're caught with a pound of marijuana, you can get conv... or more than a pound, whatever it is in this state, and wind up in adult prisons, is that correct?"

Turner, J.: "As long as the defense of possession with intent to deliver. Possession alone is not an automatic transfer under current law and of course, it is not under this Bill, either."

Delgado: "Thank you, Mr. Turner. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Delgado: "Ladies and Gentlemen of the House, Representatives, I think this is a very important issue and we really need to pay close attention. This Bill is a seesaw, it has wonderful pieces in it. And I speak as a former parole agent. I speak as someone who lost a loved one to gun violence, and I speak as a parent. But we have to be very clear that it hits at minorities' community big time in

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terms of what's happening right now. The courts are transferring our children on petty drug cases to adult penitentiaries. They're giving 'em pretrial intervention with adults. They impu... they're penalizing them as adults. That is wrong. However, until we come together and bring some legislation to our Judicial Committee that's gonna develop a juvenile justice maximum security center where we can put our juveniles who should be punished. We don't want the shooters in our hood, we want to get 'em some help, we want to get 'em a job. But come on, the reality is today, as Minority Legislators and as other Legislators, if we... if this Bill fails, with all due respect to all my colleagues, then we have done nothing. They are going to take our brothers and sisters and they're gonna continue to convict them on drug cases and they're going to prison. Right now, I'd rather have a shooter with a drug problem and a piece and let him go to prison, because we can at least take the gun out of his hand and hopefully, hopefully with Representative Giles' legislation, get him some drug treatment inside and try our best until we come and show that we can build a center that's gonna hold these kids. And so, at this point in time, please realize what your vote will be. So, I do implore, we do need to look at this legislation and say, with all due respect to my colleagues in both of my caucuses, this must be a 'yes' vote. Because if we say 'no', we have taken no action in our communities and we cannot blame the messenger. We must make this trade because we got to take the more severe penalty. In other words, we are down a river without a paddle. But on a choice, this is the choice to make and it has been a hard one. But what are we gonna do about it? I say, next term

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we have to address juvenile justice matters and put juveniles with juveniles where they belong and let's create the maximum securities necessary for them, so that they can come back into our society. Because to throw them into the sharks and have them come out in 10 or 15 years, back to our neighborhoods, we're creating the employees and the jobs that we continue to create for our southern brothers down in this area that have these prisons. So, Mr. Turner, you know that I've been beside myself with this Bill, but I know..."

Speaker Hartke: "Mr. Turner to close."

Turner, J.: "Well, a lot has been said through debate. And I think that any closing statement that I make would, for the most part, be redundant. Let me just suggest that, as I have several times during the course of the debate, that the problems cited by my friends on that side of the aisle and by Rosemary on this side of the aisle, I recognize. I'm trying to do something about them. Any of you have the same right to file a Bill that I have. My Bill did not go, I guess, as far as some of you would have wanted. You certainly have the right to file a Bill to take out, not only possession with intent to deliver from automatic transfer, but also take out delivery. I encourage you to do that. And if you can get the votes to get that passed, get it on file, move it through committee, and bring it to a vote on the floor. But I want to caution you as my friends and suggest to you as the last Representative did, that if you truly are concerned about automatic transfers, and I know that you are, and you truly believe that we should reduce the number of automatic transfers, and I know that you do, then you should vote for this legislation. Because if you don't vote for this legislation, you're

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saying you want the status quo, the status quo where 99% of those transferred are African Americans and the number is going to be much, much higher than it would be than if you passed the legislation. I'm trying to address the very problem that you're citing. If it doesn't go far enough, for goodness sake, vote in favor of it as an incremental good change in the law and then come back later in the Veto Session or next year and if you can get the votes to take out the delivery, then have at it and get that passed at that time. But the negative things cited into the record with the scholars and those who studied the Bill, those are negative things about the way the system is working. That's what this Bill's trying to do, is address those problematical errors that we see occurring. I think the Bill should vote... should pass, frankly, with unanimous support. I know that's not gonna happen, but I ask for your support. And I hope for the goodness of addressing a problem that is existing in Cook County, that this Bill does pass, 'cause believe me, it is a step in the right direction. Thank you."

Speaker Hartke: "The question is, 'Shall House Bill 2087 pass?' Those in favor of the Bill will vote 'yes'; those opposed will vote 'no'. The voting is open. There has been a request for a verification. Please vote your own switches. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2087, there are 82 Members voting 'yes', 16 Members voting 'no', 17 Members voting 'present'. Representative Davis."

Davis, M.: "Yes, we wish to continue with the verification, please."

Speaker Hartke: "Mr. Clerk, please read the affirmative vote."

Clerk Rossi: "Poll of those voting in the affirmative."

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Representatives Acevedo. Bassi. Beaubien. Bellock.
Berns. Biggins. Black. Bost. Bradley. Brady.
Brosnahan. Brunsvold. Bugielski. Burke. Capparelli.
Coulson. Cowlshaw. Cross. Crotty. Curry. Daniels.
Dart. Davis, S. Delgado. Durkin. Forby. Fowler.
Franks. Granberg. Hannig. Hassert. Hoeft. Hoffman.
Hultgren. Johnson. Jones, J. Klingler. Kosel. Krause.
Kurtz. Lawfer. Leitch. Lindner. Lyons, E. Lyons, J.
Mathias. Mautino. McAuliffe. McCarthy. Mendoza. Meyer.
Mitchell, B. Mitchell, J. Moffitt. Moore. Mulligan.
Myers. Novak. O'Connor. Osmond. Osterman. Pankau.
Parke. Persico. Poe. Reitz. Righter. Rutherford. Ryan.
Ryder. Saviano. Schmitz. Scully. Tenhouse. Turner, J.
Wait. Winkel. Winters. Wirsing. Wojcik. Zickus. Mr.
Speaker.

Speaker Hartke: "Representative Davis."

Davis, M.: "Tom Dart."

Speaker Hartke: "Mr. Dart. Mr. Dart. Mr. Dart in the chamber?
How is he recorded as voting?"

Clerk Rossi: "Representative Dart is recorded as voting 'yes'."

Speaker Hartke: "Remove Mr. Dart. Mr. Schmitz, Mr. Parke asked
for verification."

Davis, M.: "Dan Burke."

Speaker Hartke: "Would you grant those two individuals
verification?"

Davis, M.: "Yes."

Speaker Hartke: "Okay."

Davis, M.: "And that's all."

Speaker Hartke: "Okay. Mr. Dan Burke. Mr. Burke. Please remove
Mr. Burke from the Affirmative Roll. Mr. Black, for what
reason do you seek recognition?"

Black: "Seek verification to leave the chamber."

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Speaker Hartke: "Granted."

Davis, M.: "Steve Davis."

Speaker Hartke: "Mr. Steve Davis. Is Mr. Steve Davis in the chamber? Steve Davis. Mr. Clerk. Mr. Clerk, how has Mr. Davis voted?"

Clerk Rossi: "Representative Steve Davis is voting in the affirmative."

Speaker Hartke: "Remove him. Replace Mr. Dart back on the Affirmative Roll. Further questions?"

Davis, M.: "Representative Brunsvold."

Speaker Hartke: "Representative Brunsvold is in his chair."

Davis, M.: "Representative Capparelli. Oh, he is in his chair."

Speaker Hartke: "Representative Capparelli's in his chair."

Davis, M.: "Representative Kosel."

Speaker Hartke: "Representative Kosel. Representative Kosel. Representative Kosel in the chamber? Please remove... Mr. Clerk, how is she voting?"

Clerk Rossi: "Representative Kosel is voting in the affirmative."

Speaker Hartke: "Remove her from the roll. Further questions?"

Davis, M.: "Representative Granberg."

Speaker Hartke: "Representative Granberg. Representative Granberg. Representative Granberg in the chamber? How has Representative Granberg voted?"

Clerk Rossi: "Representative Granberg is voting in the affirmative."

Speaker Hartke: "Remove him from the roll. Representative Davis, Representative Tenhouse, Jones, and Bost seek verification... leave."

Davis, M.: "Representative, is the Speaker in the House?"

Speaker Hartke: "Yes, Sir. Mr. Speaker."

Davis, M.: "Mr. Speaker."

Speaker Hartke: "Yes."

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Davis, M.: "At least we were successful in bringing this down to 78. And I hope that those who have voted 'yes'... Acevedo is missing. Representative Acevedo, please remove him."

Speaker Hartke: "Representative Acevedo. He's in the back of the chamber."

Davis, M.: "Harry Osterman."

Speaker Hartke: "Mr. Harry Osterman. Representative Osterman. Mr. Osterman. How is Representative Osterman recorded?"

Clerk Rossi: "Representative Osterman is recorded as voting in the affirmative."

Speaker Hartke: "Remove Mr. Osterman from the roll. Further questions?"

Davis, M.: "Mr. Speaker, we were successful in removing some of those very bad votes. Thank you."

Speaker Hartke: "Have you finished?"

Davis, M.: "Yes."

Speaker Hartke: "House Bill 2087. There are 77 Members voting 'yes', 16 Members voting 'no', 17 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1284?"

Clerk Rossi: "Senate Bill 1284 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. Mr. Clerk, would you read the House committee schedule?"

Clerk Rossi: "The following committees will meet immediately after Session; the Appropriations-General Services Committee in Room 118, the Child Support Enforcement Committee in Room 114, the Children & Youth Committee in Room 122-B, the Computer Technology Committee in Room D-1,

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Conservation & Land Use Committee in Room C-1. The following committees will meet at 4:00 p.m.; the Aging Committee in Room D-1, the Constitutional Officers Committee in Room C-1, the Health Care Availability & Access Committee in Room 118, and the Human Services Committee in Room 122-B. The following committees will meet Thursday at 9:30 in the morning; the Elementary & Secondary Education Committee in Room 114, the State Government Administration Committee in Room 118. The following committees will meet at 10:00 a.m.; the Judiciary II-Committee in Room 122-B, the Registration and Regulation Committee in Room C-1, the State Procurement Committee in Room 115. The following committees will meet at 10:30 a.m.; the Revenue Committee in Room 115 and the recessed Executive Committee in Room 118."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Flowers. For what reason do you seek recognition?"

Flowers: "Thank you, Mr. Speaker. Health Care Availability and Access has been cancelled."

Speaker Hartke: "Any further announcements? Further announcements. Representative Currie."

Currie: "Thank you, Speaker. I have moved to suspend the posting requirements so that the following Resolutions can be heard in committees today and tomorrow: House Resolution 284 in Child Support; House Resolution 265 in Children; House Resolution 207 in Computers; House Resolutions 200 and 264 in Conservation; House Joint Resolution 33 in Aging; House Resolution 263 in Constitutional Officers; House Resolution 7 and House Joint Resolution Constitutional Amendment 7 in Health Care; House Resolution 122, House Joint Resolution 14, and House Joint Resolution 34 in Human Services; House

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Resolution 262, House Joint Resolution 24 in Education; House Resolution 23... Resolutions 231, 233, and 238, House Joint Resolution 32 and House Joint Resolution 40 in State Government; House Resolution 240 in Jud-II; House Resolution 258 in Registration; House Joint Resolution 18 in Revenue."

Speaker Hartke: "You've heard the Lady's Motion. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution to waive the posting requirements is passed. With nothing else coming before the Body, Representative Dart now moves that the House stand adjourned, allowing perfunctory time for the Clerk to the hour of 11:00 a.m. Thursday, May 17. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does stand adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. House Bills on Second Reading to be read a second time and held on the Order of House Bills-Second Reading. House Bill 3402, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3403, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3405, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3406, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3407, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3408, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3409, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3410, a Bill for an Act making appropriations. Second Reading of this House

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Bill. House Bill 3411, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3413, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3414, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3415, a Bill for an Act making appropriations. Second Reading of this House Bill. The Bills to be held on the Order of House Bills-Second Reading. House Bill 3416, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3417, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3418, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3419, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3420, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3422, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3442, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3443, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3444, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3445, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3447, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3448, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3449, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3450, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3451, a Bill for an

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Act making appropriations. Second Reading of this House Bill. House Bill 3452, a Bill for an Act making appropriations. Second Reading of this House Bill. House Bill 3453, a Bill for an Act making appropriations. House Bill 3454, a Bill for an Act making appropriations. House Bill 3455, a Bill for an Act making appropriations. House Bill 3456, a Bill for an Act making appropriations. House Bill 3458, a Bill for an Act making appropriations. House Bill 3459, a Bill for an Act making appropriations. House Bill 3460, a Bill for an Act making appropriations. House Bill 3461, a Bill for an Act making appropriations. House Bill 3462, a Bill for an Act making appropriations. House Bill 3464, a Bill for an Act making appropriations. Second Reading of these House Bills to be held on the Order of House Bills-Second Reading. House Bill 3465, a Bill for an Act making appropriations. House Bill 3466, a Bill for an Act making appropriations. House Bill 3467, a Bill for an Act making appropriations. House Bill 3468, a Bill for an Act making appropriations. House Bill 3469, a Bill for an Act making appropriations. House Bill 3470, a Bill for an Act making appropriations. House Bill 3474, a Bill for an Act making appropriations. House Bill 3475, a Bill for an Act making appropriations. House Bill 3476, a Bill for an Act making appropriations. House Bill 3477, a Bill for an Act making appropriations. House Bill 3480, a Bill for an Act making appropriations. House Bill 3481, a Bill for an Act making appropriations. House Bill 3482, a Bill for an Act making appropriations. House Bill 3484, a Bill for an Act making appropriations. House Bill 3485, a Bill for an Act making appropriations. House Bill 3487, a Bill for an Act making appropriations. House Bill 3488, a Bill for an Act making appropriations. House Bill 3498, a Bill for an

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Act making appropriations. House Bill 3499, a Bill for an Act making appropriations. House Bill 3500, a Bill for an Act making appropriations. House Bill 3502, a Bill for an Act making appropriations. House Bill 3503, a Bill for an Act making appropriations. House Bill 3504, a Bill for an Act making appropriations. House Bill 3505, a Bill for an Act making appropriations. House Bill 3506, a Bill for an Act making appropriations. House Bill 3507, a Bill for an Act making appropriations. Second Reading of these House Bills to be held on the Order of House Bills-Second Reading. House Bill 3508, a Bill for an Act making appropriations. House Bill 3509, a Bill for an Act making appropriations. House Bill 3510, a Bill for an Act making appropriations. House Bill 3511, a Bill for an Act making appropriations. House Bill 3512, a Bill for an Act making appropriations. House Bill 3513, a Bill for an Act making appropriations. House Bill 3514, a Bill for an Act making appropriations. House Bill 3515, a Bill for an Act making appropriations. House Bill 3516, a Bill for an Act making appropriations. House Bill 3517, a Bill for an Act making appropriations. House Bill 3518, a Bill for an Act making appropriations. House Bill 3519, a Bill for an Act making appropriations. House Bill 3520, a Bill for an Act making appropriations. Second Reading of these House Bills to be held on the Order of House Bills-Second Reading. House Bill 2326, a Bill for an Act making appropriations. Second Reading of this House Bill. Senate Bills on Second Reading to be held on the Order of Senate Bills-Second Reading. Senate Bill 10, a Bill for an Act concerning telecommunications. Senate Bill 20, a Bill for an Act amending the Illinois Vehicle Code. Senate Bill 22, a Bill for an Act concerning education. Senate Bill 71, a Bill

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for an Act concerning telecommunications. Senate Bill 75, a Bill for an Act concerning the environment. Senate Bill 95, a Bill for an Act in relation to plats. Senate Bill 113, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 117, a Bill for an Act concerning family law. Senate Bill 118, a Bill for an Act concerning judges. Senate Bill 119, a Bill for an Act in relation to financial regulation. Senate Bill 129, a Bill for an Act in relation to nursing. Senate Bill 151, a Bill for an Act in relation to public aid. Senate Bill 161, a Bill for an Act in relation to public aid. Senate Bill 184, a Bill for an Act concerning agriculture. Senate Bill 263, a Bill for an Act concerning the regulation of professions. Senate Bill 264, a Bill for an Act with regard to education. Senate Bill 267, a Bill for an Act in relation to vehicles. Senate Bill 275, a Bill for an Act in relation to highways. Senate Bill 281, a Bill for an Act concerning wages. Senate Bill 284, a Bill for an Act relating to schools. Senate Bill 285, a Bill for an Act concerning the regulation of professions. Senate Bill 356, a Bill for an Act concerning environmental protection. Senate Bill 364, a Bill for an Act concerning methyl tertiary butyl ether. Senate Bill 372, a Bill for an Act concerning environmental protection. Senate Bill 392, a Bill for an Act concerning energy resources policy. Senate Bill 397, a Bill for an Act concerning firearms. Senate Bill 430, a Bill for an Act concerning criminal law. Senate Bill 449, a Bill for an Act concerning taxes. Senate Bill 479, a Bill for an Act in relation to public employee benefits. Senate Bill 489, a Bill for an Act concerning insurance. Senate Bill 518, a Bill for an Act concerning lead poisoning. Senate Bill 616, a Bill for an Act concerning school district

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financial oversight panels. Senate Bill 629, a Bill for an Act concerning animals. Senate Bill 697, a Bill for an Act concerning county taxes. Senate Bill 669... 699, a Bill for an Act concerning highways. Senate Bill 717, a Bill for an Act concerning worker's compensation. Senate Bill 725, a Bill for an Act concerning business organizations. Senate Bill 730, a Bill for an Act in relation to taxes. Senate Bill 754, a Bill for an Act in relation to building codes. Senate Bill 789, a Bill for an Act concerning agency performance review. Senate Bill 795, a Bill for an Act concerning unemployment insurance. Senate Bill 796, a Bill for an Act concerning unemployment insurance. Senate Bill 832, a Bill for an Act concerning the Department of Agriculture. Senate Bill 833, a Bill for an Act concerning professional service contracts. Senate Bill 834, a Bill for an Act concerning state funds. Senate Bill 843, a Bill for an Act concerning child welfare services. Senate Bill 846, a Bill for an Act concerning strategic planning. Senate Bill 847, a Bill for an Act in relation to the administration and funding of the Illinois Commerce Commission. Senate Bill 849, a Bill for an Act concerning the Comprehensive Health Insurance Plan. Senate Bill 852, a Bill for an Act concerning ground water protection. Senate Bill 858, a Bill for an Act amending the Unemployment Insurance Act. Senate Bill 861, a Bill for an Act in relation to environmental matters. Senate Bill 862, a Bill for an Act concerning the regulation of financial... certain financial activities. Senate Bill 871, a Bill for an Act in relation to bodies of water. Senate Bill 880, a Bill for an Act in relation to community water supplies. Senate Bill 883, a Bill for an Act concerning the executive branch. Senate Bill 884, a Bill for an Act in relation to

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public aid. Senate Bill 887, a Bill for an Act concerning title insurance. Senate Bill 888, a Bill for an Act concerning certain financial services. Senate Bill 889, a Bill for an Act concerning schools. Senate Bill 899, a Bill for an Act concerning schools. Senate Bill 933, a Bill for an Act concerning health facilities. Senate Bill 975, a Bill for an Act in relation to elections. Senate Bill 984, a Bill for an Act regarding taxation. Senate Bill 989, a Bill for an Act concerning intergovernmental cooperation. Senate Bill 991, a Bill for an Act concerning the Cook County Forest Preserve District. Senate Bill 1033, a Bill for an Act in relation to support. Senate Bill 1069, a Bill for an Act in relation to dry cleaning. Senate Bill 1089, a Bill for an Act concerning the regulation of professions. Senate Bill 1128, a Bill for an Act in relation to local governments. Senate Bill 1171, a Bill for an Act in relation to taxes. Senate Bill 1174, a Bill for an Act concerning government employee benefits. Senate Bill 1175, a Bill for an Act in relation to human rights. Senate Bill 1177, a Bill for an Act concerning taxation. Senate Bill 1234, a Bill for an Act in relation to civil procedure. Senate Bill 1258, a Bill for an Act in relation to property. Senate Bill 1259, a Bill for an Act in relation to the General Assembly. Senate Bill 1262, a Bill for an Act concerning airport authorities. Senate Bill 1276, a Bill for an Act in relation to pharmaceutical assistance. Senate Bill 1282, a Bill for an Act in relation to territory annexations. Senate Bill 1283, a Bill for an Act in relation to audits. Senate Bill 1285, a Bill for an Act in relation to taxation. Senate Bill 1309, a Bill for an Act concerning telephone solicitation. Senate Bill 1348, a Bill for an Act in relation to state

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finances. Senate Bill 1493, a Bill for an Act in relation to senior citizens and disabled persons. Senate Bill 1504, a Bill for an Act in relation to health care. Senate Bill 1522, a Bill for an Act concerning state government. Second Reading of these Senate Bills to be held on the Order of Senate Bills-Second Reading. Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Wednesday, May 16, 2001, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 385. There being no further business, the House Perfunctory Session stands adjourned."