

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

43rd Legislative Day

4/8/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Pastor Sylvester Weatherall of the Grace United Methodist Church in Springfield. Pastor Weatherall is the guest of Representative Arthur Turner. Members and guests are asked to turn off all cell phones and computers. And our guests in the gallery are requested to rise and stand for the invocation and the Pledge of Allegiance."

Pastor Weatherall: "Let us pray. Holy loving and life-giving God, we bring ourselves to attention in Your presence and gratefully acclaim the goodness that assigned us life and gave it to us wrapped in freedom. We have gratefully acclaimed the wisdom that made us different from one another, so that the needs of one might interlock and the resource... with the resources of another completing both. Oh God, enable us, we pray, to look to You as we begin this Session, to be present in our midst and govern what we say and do, that both words, deeds and acts may be in accordance with Your will. Oh God, we pray You'll... that You will embrace our President and guide and grant him wisdom along this journey, equip him to seize the time that may be vigilant in our quest for freedom. We pray, oh God, that You would bring it to his remembrance the words, if my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways then will I hear from heaven. Oh God, grant to our nation and grant to us the strength for the burdens and difficulties and the troubled spirits of this war time. We grant and

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pray, oh God, that Your beloved children, men and women from all ethnic and religious backgrounds the best to be assembled, now fight for justice and humane treatment for brother and sisters they don't even know. Guide and protect them along this rough and tedious journey. Now, oh God, we know that Your grateful... graceful eyes will be open and Your compassionate ears attentive to this prayer that we have made in this place. Oh Lord, sanctify this House, that Your name may be here forever and Your eyes and Your heart will be perpetually in these men and women. In the name of Your son, Jesus the Christ, we pray. Amen."

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

Lang - 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 the excused absences of Representatives Feigenholtz, Molaro and Rita."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Black, Representative Bill Mitchell and Representative Pankau are all absent or excused today."

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Speaker Madigan: "The Clerk shall take the record. There being 109 people responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Introduction of Resolutions. House Joint Resolution 31, offered by Representative Currie. This Resolution is referred to the House Rules Committee."

Clerk Rossi: "Introduction and First Reading of Senate Bills. Senate Bill 86, offered by Representative Giles, a Bill for an Act concerning schools. Senate Bill 132, offered by Speaker Madigan, a Bill for an Act in relation to school impact fees. Senate Bill 151, offered by Speaker Madigan, a Bill for an Act concerning a statewide advisory referendum on the state budget crisis. Senate Bill 173, offered by Representative Osterman, a Bill for an Act in relation to vehicles. Senate Bill 561, offered by Representative Daniels, a Bill for an Act concerning elections. Senate Bill 609, offered by Representative Hamos, a Bill for an Act in relation to energy conservation. Senate Bill 610, offered by Speaker Madigan, a Bill for an Act concerning agriculture. Senate Bill 640, offered by Representative Molaro, a Bill for an Act in relation to real property. Senate Bill 908, offered by Representative Mautino, a Bill for an Act concerning health benefit plans. Senate Bill 974, offered by Representative Bassi, a Bill for an Act concerning the Metropolitan Water Reclamation District. Senate Bill 1049, offered by Representative Beaubien, a Bill for an Act in relation to taxation. Senate Bill 1054, offered by Representative

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Steve Davis, a Bill for an Act concerning highways. Senate Bill 1063, offered by Representative Saviano, a Bill for an Act concerning deposits. Senate Bill 1067, offered by Representative Flowers, a Bill for an Act concerning senior citizens. Senate Bill 1074, offered by Representative Jerry Mitchell, a Bill for an Act in relation to certification of school personnel. Senate Bill 1079, offered by Representative Coulson, a Bill for an Act concerning child care facilities. Senate Bill 1098, offered by Representative Reitz, a Bill for an Act in relation to telecommunications. Senate Bill 1193, offered by Speaker Madigan, a Bill for an Act concerning deferred deposit lending practices. Senate Bill 1332, offered by Representative Flowers, a Bill for an Act concerning hospitals. Senate Bill 1380, offered by Representative Holbrook, a Bill for an Act concerning energy efficiency. Senate Bill 1523, offered by Representative McCarthy, a Bill for an Act concerning the Deaf and Hard of Hearing Commission. Senate Bill 684, offered by Representative Saviano, a Bill for an Act concerning speech-language pathology. Senate Bill 699, offered by Representative Currie, a Bill for an Act concerning electronic transmissions. Senate Bill 715, offered by Representative Moffitt, a Bill for an Act in relation to county government. Senate Bill 737, offered by Representative Eileen Lyons, a Bill for an Act in relation to executive agencies. Senate Bill 741, offered by Speaker Madigan, a Bill for an Act concerning the Comprehensive Health

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Insurance Plan. Senate Bill 809, offered by Representative Bellock, a Bill for an Act in relation to mental health. Senate Bill 873, offered by Representative Novak, a Bill for an Act in relation to state finance. Senate Bill 885, offered by Speaker Madigan, a Bill for an Act concerning telecommunications. Senate Bill 902, offered by Representative Monique Davis, a Bill for an Act relating to schools. Senate Bill 1073, offered by Representative Saviano, a Bill for an Act concerning dental hygienists. Senate Bill 1200, offered by Representative Capparelli, a Bill for an Act concerning mobile homes. Senate Bill 1379, offered by Representative Slone, a Bill for an Act in relation to environmental protection. Senate Bill 1404, offered by Speaker Madigan, a Bill for an Act concerning the state comptroller. Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on Tuesday, April 08, 2003, reported the same back with the following recommendation/s: 'to the floor for consideration' House Joint Resolution #31."

Speaker Madigan: "All right. Ladies and Gentlemen, on page 12 of the Calendar, on the Order of Postponed Consideration, there appears several Bills. I announced at the end of last week that we would call these Bills today under a procedure where there would be one proponent for the Bill, one person in opposition to the Bill and then we would go to Roll Call. The first Bill on this list is House Bill 198, Representative Monique Davis. Is Representative Davis

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in the chamber? House Bill 374, Mr. Bill Mitchell. Gentleman indicates he does not wish to call the Bill. House Bill 485, Representative Mary Flowers. Bill is on the Order of Postponed Consideration. The Bill has been read three times, previously. House Bill 485."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 485 encompass a few things. One being the coverage of... the coverage for... it says that if an insurance company provide coverage for impotency, it should also provide coverage for birth control. And more importantly, there was some issues that was found from our Department of Insurance, also dealing with coverage, and that being that certain insurance companies was providing for the operation of someone who had a stomach problem, but would not provide for the supplemental nutritional... if the physician prescribe a nutritional supplement for that person who had had a stomach operation, the insurance company would not pay for that and if that patient does not have the nutritional supplement that's needed after the operation on the stomach the patient will die. So, this Bill is merely saying for that reason that insurance policies should cover it. It's nothing that's given away for free, Ladies and Gentlemen, when you pay your insurance you are paying for this to be a part of the coverage. And it says that in case there is a finding of an AIDS vaccination, which we have in this newspaper dated February 24, if this... it says, firm to announce new AIDS vaccination. If this AIDS vaccination is found to be

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workable that also that the insurance company would also provide coverage for that. Once again, it's not free, these are lifesaving entities. And I'll be more than happy to answer any questions you have in regards to the Bill."

Speaker Madigan: "The Lady has spoken in support of the Bill, there shall be one person on opposition to the Bill and then we shall go to Roll Call. Mr. Parke in opposition."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen. To the legislation. The Sponsor has worked on this Bill for... in one form or another very hard, it's a very difficult issue to present because it's so complex. But, Ladies and Gentlemen, let me point out to you that a simple fact of life here, this state is broke. There is no doubt that we're broke. We are in the hole. Tomorrow we're gonna hear what all of the pain that this new Governor's gonna have to bring to programs in this state. Now, we have another Bill, that the Sponsor in good intention, wants to require the State of Illinois just in the group health care area to be at least 5 million... \$5.4 million and the nutritional supplement's another \$700 thousand. Now, Ladies and Gentlemen, this cannot pass. We don't have the money for it. The Governor's gonna have to veto this. But, ya know, the Sponsor is making her point. She believes that the people oughta be able to have nutrition to live, nobody's gonna argue with you on that. But the fact of the matter is this an unfunded mandate. Again, we're putting it on the back of the business groups of this state. Just another nail in the coffin of the businesses

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of this state. I just can't understand why we continue one Bill, after another Bill, after another Bill putting on to health care products making 'em more costly, more expensive. And at the same time then you turn around and say, woe is us, poor people of this state, just think of how many people are now without insurance. The reason they're not... they don't have insurance in this state is because of the well intended, but not practical Bills, financially not practical either. Ladies and Gentlemen, the Illinois Catholic Conference is opposed, the Illinois Association of Health Care Plans and all of the major business groups are opposed to this. I rise in strong opposition to this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Fritchey voted? The Clerk shall take the record. On this question, there are 52 people voting 'yes', 52 people voting 'no'. And the Bill fails. House Bill 1489, Mr. Novak. The Bill has been read three times, previously. Mr. Novak."

Novak: "Yes, thank you, Ladies and Gentlemen of the House. As we spoke about this Bill last week, this is a... this is an initiative of the County Treasurers Association. And the purpose of this Bill is to focus on delinquent taxpayers, those people that are irresponsible, that fail to pay their taxes. One of the requirements under the law that treasurers have to do is they have to publish delinquent taxes in newspapers and they also have to send a certified



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mailing to those delinquent taxpayers bef... prior to their taxes going to sale. Unfortunately, over the years, this fee has not been changed, costs have risen for publication purposes as well for postage purposes. So, the purpose behind this is to target those delinquent taxpayers that fail to pay their taxes, they would assume the extra cost here. I ask for your support. Be more than happy to answer any questions."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen. To the Bill. Some of the underlying Amendments that were placed on this Bill are not bad ideas, a matter of fact, there... Amendment 3 is a very good idea. For those of you that are concerned there is a fee increase, \$2 from local government fee increase. So, it'll have a fiscal impact upon local government revenues, but they cannot determine what that overall impact will be. So, Ladies and Gentlemen, you'll have to decide whether or not you think that there's enough good in here to vote for it or if it's a fee increase you may not wanna vote for it. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. Beaubien voted? The Clerk shall take the record. On this question, there are 63 'ayes', and 43 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House

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Bill 1507, Representative Flowers. Representative  
Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I bring to you again House Bill 1507 and it merely asks for due process. It merely says, if a parent is gonna have her parental... or a family is going to have their parental rights terminated at least it should be... they should have a choice. They should have a choice, Ladies and Gentlemen. If your parental rights are going to be terminated it's not that you shall have a jury trial, if you want to you can have a choice to have a jury trial. I have received letters from numerous people in regards to this legislation. And I just want to say to you that we could not convic... convict criminals in this state on hearsay, we have to have evidence in order to convict people. These parents and DCFS by its own admission says that hearsay can be introduced as evidence in regards to a parent's right to be terminated. And I just want to say to you that Justice Blackman was correct to observe that the fourth desolation of the relationship is punitive in nature and that the fourth desolation of parental rights is more substantial than a mere loss of monies. If you lose your money, Ladies and Gentlemen, you can have a right to a jury trial, but if someone has accused you without, as the law require DCFS to have, right now DCFS is in violation of the law, because they use indication. It's been indicated by an anonymous person, by an anonymous telephone call that you have caused some harm. But our state statute call for the

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preponderance, the preponderance of evidence, Ladies and Gentlemen. And I have to underst... I have to share with you that a lot of judges would love to have the right to a jury trial despite the fact there has been some to write in objection to this Bill. But I want to say to you, Ladies and Gentlemen, in regards to this issue, that if a judge is to hear everything, this is only being heard by one person, if there's a jury trial involved, it is also heard by the community and the people that vote you and I into office. I think the parents of this state have a right and their children is more important than hearsay. And I would respectfully urge an 'aye' vote in regards to House Bill 1507. Thank you."

Speaker Madigan: "The procedure for these Bills on the Order of Consideration Postponed is that one person shall speak for the Bill, then one person will speak in opposition to the Bill and we shall go to Roll Call. Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I reluctantly rise in strong opposition to this Bill. I think that if we were only thinking about parents and parents' rights, as the Sponsor has indicated, we might support this Bill. And if we're only thinking about legal rights, as we heard the last time around very eloquent speakers who spoke about legal rights, we might vote for this Bill. But actually, this Bill is about children's issues and children's rights and I would like to focus just on two issues that were raised for us, not by any judge, but by the presiding judge of the Cook County Child

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Protection Unit. There are only two issues at stake here, one has to do with confidentiality. These are the most gut wrenching issues that are raised when we talk about the parental termination of rights or when we talk about even the original decision about child delinquent... child abuse. These are gut wrenching, personal, confidential issues that are coming out and that's why these typically... these cases are not open to the public. By exposing them to the juries, we really make it very difficult for families and children to testify sometimes against their own parents in these cases. Confidentiality in these cases is a serious issue. The second issue is about the child's need for permanency. As the... we heard from Pedi... the Pediatric Society, we heard from the State Bar Association, we heard from judges that in... at least in Cook County with 2,000 cases, cases in which many people will seek juries, these cases would swamp the system and make it very difficult to achieve permanency for children in an expeditious fashion. Since the last time we debated this, we have... I have done some research in Oklahoma, that's one of the states that does have a jury trial. However, what they are doing right now is looking to repeal the right to jury in Oklahoma and the reason is that it... they say that these adjudications overwhelm court dockets and result in delays, delays, delays. They slow down the process for either of the unification, when children should go back to their parents, or for adoptions. For those two reasons, I think this is a very serious, important Bill, I think this is a Bill that

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has asked us to look deep in our hearts and to... and to check our values. I commend the Sponsor for bringing it to us, but I reluctantly rise in opposition and I hope at this time we will not proceed quickly to do something that really will have major, serious implications for the children, the abused children of our state. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 54 'ayes', and 49 'noes'. And the Bill fails. Relative to House Bill 2356 the Sponsor has indicated that he does not wish to call the Bill. House Bill 2818, Mr. Phelps. Gentleman indicates he does not wish to call the Bill. House Bill 3048, Mr. Flider. Mr. Flider."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3048 establishes responsible bidder requirements for all bidders and their subcontractors on state construction projects covered under the Procurement Codes competitive bidding procedures. So, in order to considered a responsible bidder, a bidder must demonstrate to the appropriate construction agency that it complies with all applicable laws concerning the bidder's entitlement to conduct business in Illinois and that also includes the Prevailing Wage Act, the Federal Civil Rights Act of 1964. In addition, the contractor must also possess a valid federal employer number and must also possess valid

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certificates of insurance showing coverage of general liability, product liability, workers compensation, completed operations, hazardous occupation, and automobile operation. They must also participate in apprenticeship and training programs administered by the Bureau of Apprenticeship Training associated with the U.S. Department of Labor. The underlying purpose of this legislation is to insure that construction work for the state is performed by reputable companies that pay wages as required by law, that participate in apprenticeship training, and who do not illegally discriminate and demonstrate financial responsibility. And the contractors must certify this before the fact and that is the ultimate purpose of the Bill. The supporters of this legislation believe it's good for the state and that all bidders will be on the same playing field and it also insures the safety of our workers. This is a Bill that has been sponsored by Representative Lyons in the past and during the past Session it has passed by more than 80 votes. I know of no business opposition or any other opposition. I would encourage your support. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 99 people voting 'yes', 10 people voting 'no'. This Bill, having received a

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Constitutional Majority, is hereby declared passed. Chair recognizes Representative Wyvetter Younge for the purpose of an announcement. Representative Wyvetter Younge. Representative Monique Davis, did you wish to call House Bill 198? Representative Davis on House Bill 198."

Davis, M.: "House Bill 198 is requiring construction companies to have 10 percent of their employees or trainees of minorities. Most of us know that when correction facilities are built the people that are in those facilities are African American, mostly and some Latinos. And I would urge an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. I... To the Bill. I rise in re... regretfully in opposition to this legislation. Again, this is another Bill that has a... a price tag to it and that it is a quota Bill. The Lady is trying to help out a constituency and I understand that and appreciate it, but I don't think that we should be telling companies that are gonna construct prisons how many people they should hire or however. Again, sometimes if you're a downstater you may not have a very large minority population and to come up with 10 percent may not be able... they may not be able to do it. So, Ladies and Gentlemen, I respectfully rise in opposition to this legislation."

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

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wish? Have all voted who wish? Representative Coulson. The Clerk shall take the record. On this question, there are 61 'yes', 42 'no'. The Bill, having received a Constitutional Majority, is hereby declared passed. Representative Younge, for the purpose of an announcement."

Younge: "Thank... thank you, Mr. Speaker. A matter of personal privilege. Visiting with us today is the Neely Elementary School, the fourth and fifth grade and their teachers are Mrs. Fitzgerald and Jacobs. Let us warmly welcome the students from Neely School."

Speaker Madigan: "Mr. Clerk, on the Order of Resolutions, read House Joint Resolution 31."

Clerk Rossi: "House Joint Resolution #31, offered by Representative Currie.

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND(sic-NINETY-THIRD) GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the two Houses shall convene in Joint Session on Wednesday, April 9, 2003 at the hour of 12:00 noon, for the purpose of hearing his Excellency Governor Rod Blagojevich present to the General Assembly his Budget Message for Fiscal Year 2004."

Speaker Madigan: "Representative Currie moves for the adoption of the Resolution. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Ladies and Gentlemen, if I could have your attention just for a minute for the purpose of an announcement. Some of you may know that the statement that we all received from



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the comptroller relative to our per diem and travel allowance for tax year 2002 were in error. The Comptroller's Office is reproducing that notice and has represented to my office that they will hand deliver the corrected notice either tomorrow or Thursday. So, again, the previous notice that you received from the Comptroller's Office concerning your per diem and travel allowance for purposes of federal income taxation and Illinois income taxation for tax year 2002 was in error. A corrected copy is being generated and will be hand delivered either tomorrow or Thursday. The Chair plans to adjourn. The Session tomorrow will start at 11:30. Our purpose is to receive a message from the Governor, so we would ask everyone to be prompt at 11:30 so we can begin the Session and be prepared to receive the Governor at 12 noon. Representative Currie moves that the House stand adjourned until Wednesday, April 9 at 11:30 a.m., providing perfunctory time for the Clerk. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Wednesday, April 9 at 11:30 a.m., providing perfunctory time for the Clerk."

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 423, offered by Representative McKeon, a Bill for an Act in relation to the expungement and sealing of arrest and court records. Senate Bill 632, offered by Representative McKeon, a Bill for an Act concerning workplace health. Senate Bill 890, offered by Representative McKeon, a Bill for an Act

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concerning education. Senate Bill 1069, offered by Representative Watson, a Bill for an Act concerning finance. Senate Bill 1095, offered by Representative Mathias, a Bill for an Act concerning unclaimed property. Senate Bill 1150, offered by Representative Mautino, a Bill for an Act concerning insurance. Senate Bill 690, offered by Representative Currie, a Bill for an Act concerning freedom of information. First Reading of these Senate Bills. There being no further business, the House Perfunctory Session now stands adjourned."