

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

50th Legislative Day

4/30/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. First, we would ask all Members to turn off cell phones, pagers and computers. Second, we're going to have two invocations today. And we would ask the guests in the gallery to please rise and join us for the invocation and the Pledge of Allegiance. The first prayer today will be by Father Michael Garanzini, the President of Loyola University in Chicago. Father Garanzini is the guest of Speaker Madigan."

Father Garanzini: "Let us pray. Heavenly creator, we are surrounded by the renewal of the world around us. We ask for a rebirth of rededication and focus for us here in this Assembly. Give us wisdom and understanding. Give us compassion and give us hope as we face our duties. Give us courage and give us humor, good humor to handle our jobs with diligence and with grace. Amen."

Speaker Madigan: "We shall be also led in prayer by the Reverend Russell Coats of the East Jordan United Methodist Church in Sterling. Reverend Coats is the guest of Representative Jerry Mitchell."

Reverend Coats: "Oh, Lord, God, You've created us out of Your great need to express Your nature, which is love itself, and we are the child of that love, Your love child, as it were. We're grateful for Your gift of that same nature You've made possible within in us, the need to love and be loved. We pray today for this Legislative Body. We don't ask for all the days ahead but only that just for today You guide these Representatives in being charitable in their

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speech and in their actions. We pray for this state and for the men and women in this room who struggle for good and suitable answers to its problems. We also pray for its citizens, those who are hurting and discouraged as well as those who are more fortunate in their lives and work. We ask for Your divine guidance here as these Legislators, laborers together with You, Oh God, are able to express some measure of Your care for everyone in the very work which they do here. Those in authority need a sense of direction and guidance from You, as well as from those whom they lead. So, we pray for the officers of this House as they direct the Members through legislation. We pray also for the committees, in which so much of the work is accomplished. In our prayerful concern about the work of this Body today, Oh Lord, we would not forget Governor Blagojevich and his devi... advisors. Hear our prayers for them as they struggle daily with the problems which they share with these men and these women. Oh Lord, we pray for this nation of ours and for its President and other leaders, both elected and appointed. Everyday we're grateful for this republic and the privilege we have of governing ourselves, from towns and townships to... to the state to the nation. We would not forget those in the military service, especially for those in Afghanistan and Iraq. We pray for the officers who lead our young men and women. We're thankful for the genuine concern that so many of them feel for each soldier under his command. Again, Oh God, we pray for this House of Representatives. We believe

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that You know the thoughts of their hearts and the ponderings of their minds. We believe You also know that each of them values the goodness which You have put within the hearts of all Your children. And so, we ask that You favor their honest desires to somehow express their sincerity and concern in their legislation for this state. This, Oh God, is our prayer. Amen."

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

Hartke - 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 Collins is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record... record reflect that all Republicans are here and ready to do the work of the people."

Speaker Madigan: "Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Hamos, Chairperson from the Committee on Housing & Urban Development, to which the following measures were referred, action taken on Tuesday, April 29, 2003, reported the same

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back with the following recommendations: 'do pass Standard Debate' Senate Bill 591. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measures were referred, action taken on Tuesday, April 29, 2003, reported the same back with the following recommendations: 'do pass Short Debate' for Senate Bill 1150 and Senate Bill 1207; 'do pass as amended Short Debate' for Senate Bill 1417. Representative Steve Davis, Chairperson from the Committee on Public Utilities, to which the following measures were referred, action taken on Tuesday, April 29, 2003, reported the same back with the following recommendations: 'do pass Short Debate' for Senate Bill 1054; 'do pass as amended Short Debate' for Senate Bill 1098. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measures were referred, action taken on Tuesday, April 29, 2003, reported the same back with the following recommendations: 'do pass Short Debate' for Senate Bill 311, Senate Bill 1122 and Senate Bill 1453; 'do pass as amended Short Debate' for Senate Bill 96 and Senate Bill 150; 'recommends be adopted' House Resolution 173. Representative Reitz, Chairperson from the Committee on Agriculture & Conservation, to which the following measures were referred, action taken on Tuesday, April 29, 2003, reported the same back with the following recommendations: 'recommends be adopted' House Joint Resolution 27. Representative Brosnahan, Chairperson from the Committee on Consumer Protection, to which the following measures were

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referred, action taken on Tuesday, April 29, 2003, reported the same back with the following recommendations: 'do pass Short Debate' for Senate Bill 1030; 'do pass as amended Short Debate' for Senate Bill 228 and Senate Bill 329. Representative Boland, Chairperson from the Committee on Elections & Campaign Reform, to which the following measures were referred, action taken on Tuesday, April 29, 2003, reported the same back with the following recommendations: 'do pass Short Debate' for Senate Bill 82."

Speaker Madigan: "Mr... The Chair recognizes Mr. Bill Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "Mr... I'm sorry, Mr. Mitchell."

Mitchell, B.: "Point of personal privilege, Mr. Speak..."

Speaker Madigan: "State your point."

Mitchell, B.: "Thank you. Could the fourth grade class of Tremont, Illinois... they're in the balcony right behind me. Could you please stand up? We have nearly 70 students from the fourth grade. There's three classes in Tremont, Illinois, located not too far from Peoria. I'd like to welcome them to the Illinois House. And everyone give Tremont a big welcome, thank you."

Speaker Madigan: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise on a point of personal privilege. Today, I ask all of Hou... the House Members to join me in congratulating my seatmate, Robin Kelly, on celebrating her... I don't know, birthday. There's

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cake in the front of the room. Help yourselves. Thank you."

Speaker Madigan: "Ladies and Gentlemen, does anyone else have any announcements? Are there any other announcements? Representative Graham."

Graham: "Thank you... thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Graham: "I have here today, from the Austin Community, the Columbus Park Fitness Group. And I think they're kind of spread out in the gallery. Welcome them today."

Speaker Madigan: "Are there any other announcements? Mr. Mathias, you're the Sponsor of Senate Bill 41 on the Order of Third Reading. Do you wish to call the Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 41, a Bill for an Act in relation to estates. Third Reading of this Senate Bill."

Mathias: "Thank you, Mr. Speaker. Senate Bill 41 requires the cor... the court to appoint a guardian for a disabled person only after clear and convincing evidence has... presented to prove that the disabled person is unable to make his decisions. Today, there's a... some difference in the law whether the standard should be 'clear and convincing evidence' or by a 'preponderance of the evidence'. This Bill is brought to us by some of the probate court judges in Cook County asking to have a clearer standard of 'clear and convincing evidence'. Today, when you want... if you are... if you have a guardian appointed for you, in order to

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be released from that guardianship you must prove to the court by 'clear and convincing evidence' that you no longer need a guardian. This would put the same standard at the beginning of the process. And I ask for your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Mr. Franks, do you seek recognition on the Bill? Mr. Franks."

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

Speaker Madigan: "The Sponsor yields."

Franks: "Sid, I just want to ask you a couple of questions.

I'm looking at our analysis and I see some opponents that, quite frankly, I'm a little shocked to see the opponents on this, the Illinois League of Advocates for the Mentally Disabled and the Voice of the Retarded. Can you please tell me why these groups are opposed to this legislation."

Mathias: "There was one witness that did testify in committee. I'm not really sure... I think they thought that it would delay the process. I think we tried to explain to them at the time that in over... the vast majority of cases, this is all done basically by agreement. In other words, ya know, you have a parent that is disabled, you go into court, the doctor examines the parent, there's no issue. But there are always a small amount of cases where there's a contested hearing. And I always feel that if you're going to be adjudged to the disabled where you're contesting it, then the standard should be a high standard, not just by the preponderance of the evidence."

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Franks: "What this Bill does, then, in a nutshell, if I'm reading this right, is it changes the standard from 'preponderance of the evidence'... and I know you're a lawyer, so when you're on trial you say the preponderance is, ya know, this... ya know..."

Mathias: "Yes."

Franks: "...51 to 49 percent is preponderance. Would you agree?"

Mathias: "Yes."

Franks: "Okay, and now what you're doing is you're raising this to a 'clear and convincing evidence'?"

Mathias: "Yes, which is the same standard if you want to get out of the guardianship."

Franks: "I... I'm sorry, it's the same standard as what?"

Mathias: "If you were... let's say you were adjudged the disabled person and you sometimes, subsequently, wanted to be released from that guardianship, you would have to use the standard of 'clear and convincing' to, in other words, to dissolve the guardianship. I would think you should have at least the same standard to have a guardian appointed for... for you than you would need to be released from it."

Franks: "Well, that seems very sensible. And I'm glad you explained it 'cause I... I saw those questions. I'd like to... I'll stand and vote for your Bill. And I appreciate it. Thank you."

Mathias: "Thank you."

Speaker Madigan: "The questions is, 'Shall this Bill pass?' Those in... Mr. Black. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the... the opponents of the Bill and those who voted 'no' in the Senate made a, what I think, is a cogent argument that what this Bill does is attempt to codify the Cook County standard of 'clear and convincing evidence' of a disability. Now, as you know, there is no statewide standard, currently. And... and the opponents, and I feel some symbiotic relationship with them, having worked with many people who would fit the definition of disabled. How... how do I tell these people in my district that all of a sudden the... the burden... the burden of being declared disabled now becomes somewhat onerous because there is a, I think as the previous speaker said, the 'preponderance of evidence' is much more strict if... if this Bill becomes law, than it currently is. What advantage is there to the disabled person to have a... a more stringent standard of declaration?"

Mathias: "Well, to a disabled stan... person, it makes a whole world of difference. You know, in order to put someone... incarcerate them in jail today, you have to prove them guilty beyond the reasonable doubt, which is the highest standard that we have in the law. This, of course, doesn't put them in jail, but it could put them in a nursing home, it could put them... it could have their property rights taken away from them. I believe if you're going to take a person rights away, you better be sure by a high standard

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of proof that that person is in fact disabled. That he's... that a... in a contested case where you're gonna take your... what may be your parent's rights away... I... if I was that adult that they were taking my rights away, I would wanna make sure by the highest standards before my rights are taken away that... that... that they can prove their case that I am, indeed, disabled. In the ordinary case, everyone will probably agree in this room, ya know, you see the ordinary person who has dementia, who has Alzheimer, I don't think there's going to be any dispute, whatever the standard is, ya know, doctors are gonna agree this person needs a guardian. But there are cases where maybe somebody, and as you probably see 'em on the streets today, who may be not what we would call in our 100 percent all right, but yet we don't want to take their rights away unless they really are in need of a guardian to look over them. And this just makes sure that that threshold... that not just somebody can have their property rights taken away, their liberty, in effect, taken away without a high standard."

Black: "My... my concern is that as I read through this very briefly and far too quickly, is... to me there seems to be a lack of clarity as to what standards I must meet. Even if I'm to go into court and God forbid have to have my... my father declared disabled or incompetent... I don't get a sense of clarity in this Bill as to what standard I will have to meet to do that."

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Mathias: "Well, that's... that's the reason for the Bill, as you rightly pointed out. The standards throughout the state... there is no state standard. So, therefore, someone in Cook County may have a high standard before you were able to declare him disabled. But maybe in your county a judge says, 'well, ya know, I think he's more likely to be disabled than he's less likely to be disabled.' Ya know, to take away a person's rights of, in some cases, of liberty, to force them into a situation that he doesn't want, because these are situations where it's contested. If it's uncontested no one's gonna question what the standard is because we're all gonna agree. But in situations where, instead of it being your parent, it's you that somebody wants to take your rights away, because maybe you're acting a little funny today on the House Floor. You wanna make sure that that standard is pretty high."

Black: "Well, it's been questioned to whether that standard is very high at all. The... And I generally don't put a lot of weight in people who sign in in favor or opposition. But in this case when you see that the... the advocates for the developmentally disabled signed in opposition to the Bill, I... I would think that this would be a group that if the Bill were in... in perfect form and helped to protect the rights of the developmentally disabled, they would, in fact, be among the strongest proponents. And yet, they're listed as an opponent."

Mathias: "But, again, look at who are the proponents. AARP, who obviously, stands to lose the most because of their

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age, where they can be put into these situations. The Mental Health Association, Equipped for Equality, Illinois Association of Rehabilitation Facilities. I think, especially when I look at AARP as a proponent, I think that says a lot about the Bill because they, obviously, are the, I think, directly affected by... their members may be put away by maybe a son or a daughter who wants to get at the family money and, hey, let's put away the old man or old lady away into a home and I can control the money, when that person really doesn't deserve to have a guardian."

Black: "All right. Thank you, Representative."

Mathias: "Thank you."

Speaker Madigan: "Mr. Flider. Flider."

Flider: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Flider: "Representative Mathias..."

Mathias: "Yes?"

Flider: "...I have a question about your legislation. And I... it relates to a situation that I'm aware of in my district in which an elderly gentleman who was bli... or is deaf and mute actually had his life savings stolen. And it even got to a point where those who purported to be looking out for him went to a mortgage company and had a mortgage taken out in his name, when about the only evidence that they could provide was some kind of disability payments coming in, maybe some Social Security, but certainly nothing significant enough to make a house payment, as well as make all the other types of payments that one would require to

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live. And my question, with regard to your legislation, is that, is one of which, would this legislation help protect somebody in a situation where they were going to try and take out a mortgage, or somebody was with them purporting to be a grandson or a relative who was representing to be a guardian?"

Mathias: "Well, obviously, there's always situations where, unfortunately, there's fraud upon our elderly. This Bill deals strictly with the question of when should someone... should be declared disabled. In your situation, if the grandson had gone to court and said, 'oh, my grandfather is disabled', and the judge believes it and... and they have a hearing and the evidence says, well, maybe he's more likely than less likely to be disabled, hands over, in effect, the keys to the house to the... to the grandson who then goes ahead and does all the things you said, I think my Bill will protect that person more because he's gonna say, 'wait a minute, I'm not disabled, I can manage my own affairs. I don't want anybody looking out for my interests.' And if the... the court will have to look at a high standard before they take that property right away from someone like you... in your situation."

Flider: "I don't know that you could necessarily ask this... answer this question, but in the case that I'm referring to, the person who purported to be the grandson really was not a grandson, was just somebody who showed up at the bank and said, 'he... this is my grandfather and, ya know, I need to help him take out a new mortgage.' I'm assuming that..."

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and again, this is the question you may not be able to answer but, I am assuming that a prudent bank or savings and loan company would say, 'well, you're representing to be somebody who is helping him to get a mortgage, do you have some kind of a legitimate document that says you are a guardian or it is appropriate for you to be here?'"

Mathias: "That's correct. And if they don't, then maybe it's the bank's fault for allowing that to happen. My Bill doesn't change that because under your circumstances there was no guardianship proceeding brought, so if... my Bill wouldn't come into play anyway."

Flider: "So..."

Mathias: "It's only if a guardian proceeding is pending."

Flider: "So, my interpretation is this could help in a situation like that."

Mathias: "It would, because if that grandson would try to become a guardian through court, he has to make sure by a high standard that the person he's trying to, in effect take the property away from is really, ya know, disabled beyond, ya know, with a... by 'clear and convincing evidence'."

Flider: "Well, I would suggest then that this legislation could help in terms of financial... taking advantage... advantage of people financially. And in addition, I note that Equipped for Equality is a supporter of this Bill. I also note that Equipped for Equality was involved in the court proceeding involving this elderly gentleman. And for that reason, I am pleased that you have brought this legislation before

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us. And I think it's a step in the right direction. Thank you."

Mathias: "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 113 people voting 'yes', 3 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Bost for the purpose of an announcement."

Bost: "Thank you, Mr. Speaker. If the Members of the House would recognize and welcome, we have in the gallery above me some SIU undergraduate students that are currently living in Carbondale and going to school there, but most of them are from Chicago and the metro-east area. And they're here today, watching how this process works. And as well as talking to their Legislator and pleading the case for... for SIU and the importance of it, and throughout the state, not just in the Carbondale region. And I'd like to, if you would, to welcome them here to the House Floor."

Speaker Madigan: "Representative Currie."

Currie: "...you, Speaker. For purposes of an announcement. We have with us today a former Member of the Legislature, former State Senator Earlean Collins, who is now a Commissioner of the County of Cook. Please join me in welcoming her."

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Speaker Madigan: "Representative Boland."

Boland: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Boland: "We have with us in the gallery many students from Wells Elementary School in East Moline, Illinois. Welcome them, please."

Speaker Madigan: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Howard: "Thank you. Today in the gallery are members of the Illinois Alliance for Retired Americans, Local 65. And among them are constituents from my district, Mr. and Mrs. Canty from the Seniors Organized for Justice. Please, help me to welcome them."

Speaker Madigan: "Mr. Rose."

Rose: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Rose: "I'd like to ask my colleagues to welcome three dear friends of mine from the Arcola area up in the gallery over here. Welcome them to Springfield. Thank you for being here."

Speaker Madigan: "Representative Graham."

Graham: "Thank you, Mr. Speaker, again. The Oak Park Fitness, I'm sorry, the Columbus Park Fitness Club had not yet made it into the gallery, so they are here now. Please help me welcome from the Austin Community, the Columbus Park Fitness Club at the top over there."

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Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. As long as we're making announcements, first, I'd like to announce that the House Gaming Committee scheduled for this afternoon will not be held. Gaming Committee will be canceled. Second... second, I'd just simply like to acknowledge the presence on the podium of the next Director of Agriculture, Chuck Hartke."

Speaker Madigan: "Mr. Lang, you've caused some confusion. Why did you use the word 'next'? Mr. Lang."

Lang: "Okay, currently interim, whatever that title is, but the next official Director of Agriculture."

Speaker Madigan: "Mr. Smith."

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

Speaker Madigan: "State your point."

Smith: "I would like to remind the Members of the House that everyone is invited to an organizational meeting of the new Legislative Fire Caucus this evening at 7 p.m. at the Chesapeake Seafood House on Clearlake Avenue. This is an outgrowth of the task force that Representative Moffitt and I, cochaired last year. We'd like to invite all of you to please come for dinner and talk about the organization of the caucus. Thank you."

Speaker Madigan: "Mr. Reitz."

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

Speaker Madigan: "State your point."

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Reitz: "I have a group right behind me, up on top, from the Randolph County Farm Bureau. And they're glad to see Chuck Hartke's gonna be the Director of Ag. Please welcome them, thank you."

Speaker Madigan: "Mr. Franks."

Franks: "Mr. Speaker, I have an inquiry of the new Director. I'm not sure if there's any correlation but I've noticed that the price of eggs and other agriculture products have dropped precipitously since you've been named. Would you like to comment on that?"

Speaker Madigan: "On page 8 of the Calendar, on the Order of House Bills-Third Reading, there appears House Bill 2532. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2532, a Bill for an Act in relation to firearms. Third Reading of this House Bill."

Speaker Madigan: "Ladies and Gentlemen, this Bill is on Standard Debate. It... at a maximum there'll be six people speaking on this Bill and then we'll go to Roll Call. So, the Sponsor of the Bill is Representative Graham for five minutes."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I here... have here with me House Bill 2532, requires that gun dealers be licensed with the State Police. I think you guys are all familiar with this Bill. So, I'm open to any questions."

Speaker Madigan: "The Lady has moved for the passage of the Bill. And the Chair recognizes Mr. Rose in response. Five minutes."

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Rose: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Madigan: "The Lady yields."

Rose: "Representative Graham, what are the fees that are gonna be charged by the Illinois State Police to license these individuals as federal firearms, to get the... to get the license?"

Graham: "I'm sorry, Representative, I can't exactly hear you."

Rose: "I'm sorry, Representative. What are the fees that are gonna be charged to potential dealers to get their license?"

Graham: "Three-hundred dollars."

Rose: "Three-hundred dollars. Are they currently charged that now?"

Graham: "I'm sure they're charged a fee at the federal level, possibly so."

Rose: "But there's no state fee at this time. Is that correct?"

Graham: "They're not registered with the state, so there is no state fee at this point."

Rose: "So, at this point in time what your Bill's doing is you're gonna add a \$300 fee to anyone who wishes to... to become... to get this dealers license. Is that correct?"

Graham: "I'm sorry, Representative, I... I didn't hear your question."

Rose: "Thi... this will add a fee to the... to the licensing for the... to get this dealers license. Is that correct?"

Graham: "That's correct."

Rose: "And that fee is \$300?"

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Graham: "That's correct."

Rose: "Let me ask you something else about your Bill, here, Representative. If an individual applies for this, what are the criteria that are used to grant the license?"

Graham: "It requires that they don't have a felony, that they're required to be a gun dealer. The same requirements that are at... required at the federal level."

Rose: "Well, Representative..."

Graham: "Background check."

Rose: "You're Bill says that they 'may' issue, not 'shall' issue a license. So, 'may' issue implies..."

Graham: "'May' issue would be if they don't have a back... if they have a background check. Would you want a person selling weapons who had... does not pass the background check?"

Rose: "Is that the only...?"

Graham: "Whatever the federal standards are would be the same standards that the state would have to follow."

Rose: "Well, is... are the State Police free to develop their own standards for issuing this license?"

Graham: "If they see some other criteria that would help improve the quality of life, possibly so."

Rose: "So, the truth is we don't know what the actual criterion for this Bill is. Is that correct? I mean, this is very opened-ended. The Illinois State Police could come up with whatever kind of criteria they want."

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Graham: "We'll allow the State Police to develop that if they see something additional that they may need to get the dealers... the dealers license."

Rose: "So... so, if a dealer decides that... who is currently a federally licensed firearm dealer."

Graham: "Yes."

Rose: "He's already been licensed by the Federal Government. He is now going to have to go through another series of state hoops to jump through. Is that correct?"

Graham: "That's correct."

Rose: "He'll have to pay the fee?"

Graham: "Yes."

Rose: "And now he may or may not have to comply with whatever requirements the Illinois State Police may choose to..."

Graham: "If he's currently le... licensed by the Federal Government, he probably will be licensed by the State Police as well."

Speaker Madigan: "Mr. Rose, you have about one minute and a half remaining."

Rose: "Thank you, Mr. Speaker. Tell me about possible searches, here. How are the State Police gonna en... enforce this?"

Graham: "Well, right now the federal... at the federal level there are only 15 federal inspectors. These federal inspectors also... they have a multi-task job. One of their jobs is to inspect the firearms dealer, they also have to monitor tobacco sales, and they also have to monitor

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alcohol sales. And there are only 15 to monitor almost 3 thousand gun dealers in the State of Illinois."

Rose: "But..."

Graham: "So, if the State Police were involved it would help. This is a proactive Bill. Right now, there are a number of things happening and this is... this would be helpful if the state were involved. This would be a better buffer for them."

Rose: "Mr. Speaker, I see we only have 30 seconds, here. I believe I'm joined by a requisite number of Members, I'd like to put this on Extended Debate."

Speaker Madigan: "Mr. Rose, can I respectfully suggest that it's probably not going to make any difference?"

Rose: "Thank you, Mr. Speaker. To the Bill with my 15 seconds left, here. Ladies and Gentlemen of the House, this is a fee increase, pure and simple. It leaves the door wide open to all sorts of abuse. For those of you who routinely come in here and tell us that the State Police and law enforcement doesn't do their job, this is wide open. They can write whatev..."

Speaker Madigan: "Mr. Rose, I accidentally turned you off. So, why don't you get up and finish your statement. You're finished? Okay. All right. Ladies and Gentlemen, we're on Standard Debate. We've already had two, now we'll have Mr. Fritchey. Five minutes, Mr. Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. With all the respect to the previous speaker, I'm seeing a reoccurring pattern lately. We're... we're very sensitive at all times,

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and especially these times, to the issue of fee increases, of hidden tax agendas, to hidden... hidden revenue agendas. And it seems as if people feel at times that you can throw the word fee out there and we're all gonna go hide under our desk and run away from this concept. Make no mistake about what this Bill is and what this Bill does. We talk about the issue of guns and gun safety, not gun control, gun safety and cracking down on gun crimes. And the way to do that, the mantra that we always hear, which I agree with, is it's key that we enforce the law that are on the books. But what we need to do in conjunction with that is really make sure that we have the ability to enforce those laws. This is about being able to give us another mechanism to track the flow of guns. If we have a dead child in a street, we want to be able to work backwards to find out where that gun came from that killed that child. This gives us another mechanism to do this. All I'd ask my colleagues, don't have a knee-jerk reaction, don't hide behind the fee issue. If you're gonna vote against this Bill because you have a conceptual problem with it, that's one thing. But be sincere to yourself, be sincere to your constituents. Don't say that you voted against this Bill because it was a fee increase or a new surcharge on something. If you believe in gun safety, if you believe in simply trying to track the misuse of guns, that's what this Bill is about. I'd ask for an 'aye' vote."

Speaker Madigan: "All right. Ladies and Gentlemen, again, the Bill is on the Order of Standard Debate. We've had three

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people speak. The next person will be Mr. Black, for five minutes."

Black: "Thank you very mu..."

Speaker Madigan: "Mr. Black for five minutes."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, any gun dealer in the State of Illinois is currently licensed under Federal Law."

Graham: "Yes."

Black: "You're aware of that, right?"

Graham: "Yes, that's correct."

Black: "Earlier in the Session we passed a Bill sponsored by a former Chief of Police, Representative Millner, that gave local law enforcement authority the power to pursue any unlicensed gun dealer and... and put the full force of the law against an unlicensed gun dealer. You... and I think you voted for that Bill, correct?"

Graham: "Yes."

Black: "All right. Now, let me give you a scenario. I am a federally licensed gun dealer. Now, you're imposing a state license on me. My fear is that this Bill will be the... the law of unintended consequence. Are you aware... maybe you don't agree, but... but staff and many of us who have looked at this Bill, says that if I get this state license I waive one of my inherent Constitutional rights, and that is the right of search and seizure. This Bill gives the State Police the authority to come into my place

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of business, under my federal license... not under my federal license but under the state license you want me to get, to go through my records at anytime for any reason without probable cause. Right?"

Graham: "This Bill does allow the... the State Police to come in to make one unannounced visit to inspect..."

Black: "All right."

Graham: "...a gun dealer. Yes, it does."

Black: "One violation of my Constitutional rights is one violation too many. Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, if we're going to erode the Bill of Rights, whether you like a particular one of those or not, that is a very cogent issue in this Bill. You are waiving your right to search and seizure one time where the State Police can come in, go through your records for no reason whatsoever, and no intent of probable cause. And if you've made an honest error in... in recording a sale or made a mistake on your documents recording a sale, you can find yourself facing felony charges. That is a... a chilling effect. I... I... I don't care what the issue is, you'll never see me vote for something that gives away my Constitutional right. I think the other unintended consequence of this Bill is that you will... people will not get a state license, they just simply won't go through it. They'll go underground which then dilutes... and if they give up their federal license then you may dilute a Bill that we've already passed that says go after the unlicensed gun dealer and pursue them to the fullest extent of the law. And for

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those of you who say that the Federal Government doesn't have the resources, if you're familiar with Project Exile in Richmond, Virginia, the U.S. Attorney there has a zero tolerance position on firearm violations. You do hard time, no probation, no continuance, no released on your own recognizance. You violate the firearm laws of Virginia or the United States of America and you are going to do hard time under Project Exile. That's the key. It has worked extremely well. And I don't buy the argument that the Federal Government doesn't have the... the... the money or the resources or the will to do that. I think they do, I think they've proven they can do it. And it's been proven very well in Project Exile in... in Richmond, Virginia, which has been written up in the mainstream media on... on many, many times. I rise in opposition to this Bill. It's another layer of bureaucracy that, I think, will have the law of unintended consequences. And Mr. Speaker, should the Bill reci... receive the requisite number of votes to pass, I would request a verification."

Speaker Madigan: "Ladies and Gentlemen, we've had two 'for' and two 'against'. And the Chair would propose that we go to Roll Call. So, those in favor of the Bill vote 'yes'; those opposed vote 'no'. The Clerk shall take the record. On this question, there are 48 'ayes', and 69 'noes'. Representative, you have the option to place this Bill on the Order of Postponed Consideration. Representative Graham."

Graham: "Yes, Mr. Speaker."

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Speaker Madigan: "All right. So, the... Mr. Clerk, put the Bill on the Order of Postponed Consideration. Mr. Clerk, read the Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 202, offered by Representative Verschoore. House Resolution 238, offered by Representative Rich Myers. House Resolution 239, offered by Representative Yarbrough. House Resolution 240, offered by Representative Currie. House Resolution 244, offered by Representative Monique Davis. House Resolution 245, offered by Representative Capparelli. House Resolution 246, offered by Representative O... O'Brien. House Resolution 247, offered by Representative Bellock. House Resolution 248, offered by Representative Poe. House Resolution 249, offered by Representative Morrow. House Resolution 250, offered by Representative Biggins. House Resolution 251, offered by Representative Lyons. House Resolution 252, offered by Representative Dunn. House Resolution 253, offered by Representative Slone. House Resolution 254, offered by Representative Granberg. House Resolution 255, offered by Representative Flider."

Speaker Madigan: "The Clerk has read the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. The Chair recognizes Representative Bellock. Bellock."

Bellock: "Thank you very much, Mr. Speaker. A point of personal privilege."

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Speaker Madigan: "State your point."

Bellock: "I'd just like to welcome the students from Lakeview Junior High School today who are a blue ribbon award winning physical education department. They're up in the balcony. Thank you."

Speaker Madigan: "The Chair is prepared to adjourn. And the Chair recognizes Representative Younge for the purpose of an announcement."

Younge: "Thank you, Mr. Speaker. There'll be a Democratic Caucus today at 1:00 in Room 114. In Room 114 there'll be a Democratic Caucus."

Speaker Madigan: "All right. For those of you who did not hear that announcement, there will be a Democratic Caucus immediately in Room 114. The Chair recognizes Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. The House Ag Committee will meet tomorrow at 12:30, actually. At 12:30 in Room C-1, to allow everyone to opportunity to make their other committees. Thank you."

Speaker Madigan: "All right. If there's nothing further to come before the Body, Representative Currie moves that the House stand adjourned until 1 p.m. tomorrow afternoon, 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 1 p.m. tomorrow afternoon, providing perfunctory time for the Clerk. And, apparently, Mr... Mr. Turner."

Turner: "Thank you, Mr. Speaker. I'd like to make the announcement that there will be softball practice tonight

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at 5:00. The game is next Tuesday. If you intend to play we need to see you at practice. Five o'clock, tonight."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 206, offered by Representative Giles, a Bill for an Act regarding schools. Introduction of Resolutions. House Resolution 237, offered by Representative Jones. House Resolution 241, offered by Representative Mendoza. House Resolution 242, offered by Representative Ryg. House Resolution 243, offered by Representative Watson. House Resolution 256, offered by Representative Millner are assigned to the Rules Committee. Introduction and First Reading of House Bills. House Bill 3799, offered by Representative Flowers, a Bill for an Act in relation to children. House Bill 3800, offered by Representative Flowers, a Bill for an Act in relation to children. House Bill 3801, offered by Representative Flowers, a Bill for an Act in relation to children. House Bill 3802, offered by Representative Flowers, a Bill for an Act concerning children. House Bill 3803, offered by Representative Flowers, a Bill for an Act concerning children. House Bill 3804, offered by Representative Flowers, a Bill for an Act in relation to minors. House Bill 3805, offered by Representative Flowers, a Bill for an Act concerning children. House Bill 3806, offered by Representative Flowers, a Bill for an Act concerning child welfare. House Bill 3807, offered by Representative Flowers, a Bill for an Act concerning child welfare. Introduction and First

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Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."