

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

57th Legislative Day

5/13/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask everyone to turn off their cell phones, their pagers, and their computers. We ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Jim Small of the Onarga Christian Church in Onarga, Illinois. Pastor Small is the guest of Representative Shane Cultra."

Pastor Small: "Let us pray together. Holy God, Our Heavenly Father, we come together today to deliberate on the business of this great state, in which we are privileged to be part. Thank You for these men and women who have chosen to represent their districts. I pray that You will fill them with Your wisdom, that they will now know how to represent their people, young and old, rich and poor. Father, we pray that You'll forgive us for our many shortcomings, for the sins that we commit, and the sins that we omit. I pray, Father, that You'd give integrity to each one of these Representatives, that each one will remain true to their promises and to their principles. I pray that You will teach us compassion for those who are powerless before their oppressors. Father, I ask You that we may be honest people, that we may say what we mean, and that we will mean what we say. And I ask You for courage that we may do what is right as You give us the ability to see the right. Help us, please, to do what is right regardless of what is popular. And I ask You to bless these men and women, that

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they may stand for this nation, this state, be trustworthy in all that they do and say. In Thy name we pray. Amen."

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

Hoffman: - 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 show that we have no excused absences to report today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present."

Speaker Madigan: "Mr. Clerk, take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Clerk, read House Resolution 292."

Clerk Bolin: "House Resolution 292, offered by Representative Eddy.

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the Oblong High School Math Team on winning the regional competition for the twentieth consecutive year; and

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WHEREAS, Each year, the team goes on to compete in the Illinois Council on Teachers of Mathematics' State Math Team Tournament, and the team has earned third place three times, second place nine times, and the championship five times, including back to back championships in 2000 and 2001; and

WHEREAS, The 2002-2003 Math Team placed second at the 2003 Illinois Council on Teachers of Mathematics' State Math Team Tournament Finals; the coach of the Math Team is Mrs. Pam Hoke; the team was founded and coached for many years by Mr. Steve Woodland who still serves as mentor; and

WHEREAS, Members of the Math Team for Algebra I are Jeremy Ackman, Tara Bennett, Sarah Brooks, Daniel Dallmier, Alex Harmon, Emily Harris, Matthew Mundhenk, Derek Sholders, Hannah Waller, Kevin Walls, and Jessica Wilson; members of the team for Geometry are Sarah Boehl, Ladonna Jenkins, Laurin Ruddell, Emily Sholders, Nathan Stewart, and Heidi Wheeler; members of the team for Algebra II are Christian Alumbaugh, Hannah Burris, Brandon Catt, Carrie Drewes, Stacey Fear, Jesse Randolph, and Ashley Strole; and members of the team for Pre-Calculus are Shanna Alexander, Lance Baker, Bruce Boehl, Adam Herr, April Huey, Frannie Schalasky, Tyler Price, and Nathan Wesley; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we

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congratulate the members of the Oblong High School Math Team on winning the regional math competition for the twentieth consecutive year and on placing second at the Illinois Council on Teachers of Mathematics' State Math Team Tournament Finals; and be it further

RESOLVED, That a suitable copy of this resolution be presented to each of the members of the Oblong High School Math Team as well as Mrs. Pam Hoke and Mr. Steve Woodland as an expression of our respect and esteem."

Speaker Madigan: "The Chair recognizes Mr. Eddy."

Eddy: "Thank you, very much Mr. Speaker. Ladies and Gentlemen of the House, I'd like for you to join me and Senator Dale Righter in welcoming to the gallery the members of the Oblong High School Math Team. This is truly an exceptional group of young people whose... they're standing now, whose success across the state in math competition is unparalleled. This year they finished second, however, they were back-to-back state champions the two previous years. Welcome to Springfield, thank you for coming."

Speaker Madigan: "The Chair recognizes Representative Chapa-LaVia."

Chapa LaVia: "Thank you, Speaker. I'd like to speak on a point of personal privilege."

Speaker Madigan: "State your point."

Chapa LaVia: "I'd like everybody to acknowledge and say happy birthday to one of our youngest State Representatives, Susana Mendoza's birthday is today, she's 31."

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Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1066? The Clerk advises that we need to adopt Resolution 292. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it, the Resolution is adopted. Mr. Clerk, what is the status of Senate Bill 1066?"

Clerk Rossi: "Senate Bill 1066, a Bill for an Act in relation to energy. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Second Reading. Mr. Joyce, you are the Sponsor of Senate Bill 10. Do you wish to move the Bill? Move the Bill. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 10, a Bill for an Act in relation to higher education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. For what purpose does Mr. Boland seek recognition?"

Boland: "A point of announcement, Mr. Speaker."

Speaker Madigan: "Proceed."

Boland: "Tomorrow, for anyone who is interested, there will be a demonstration of DRE voting equipment at 1 p.m. in Room 115. It will last until, I think, 3 o'clock. Thank you."

Speaker Madigan: "Representative Soto, you are the Sponsor of Senate Bill 24. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 24, a Bill for an Act concerning transmitters of money. Second Reading of this Senate Bill."

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No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Beaubien, do you wish to move Senate Bill 50? Mr. Beaubien. Mr. Clerk, what is the status of Senate Bill 50?"

Clerk Rossi: "Senate Bill 50, a Bill for an Act concerning vehicles. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Is Representative Pihos in the chamber? Pihos. Do you wish to move Senate Bill 130? The Lady indicates she does not wish to move the Bill. Mr. Beaubien, 154? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 154, a Bill for an Act concerning county taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Joyce, Senate Bill 242. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 242, a Bill for an Act in relation to criminal law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Is Mr. Saviano in the chamber? Representative Nekritz, do you wish to call Senate Bill 275? Lady indicates she does not wish to call the Bill. Representative Yarbrough, did you wish to move

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Senate Bill 318? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 318, a Bill for an Act concerning insurance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Hoffman, Senate Bill 392. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 392, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Saviano, Senate Bill 255. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 255, a Bill for an Act in relation to the regulation of professions. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Boland, Senate Bill 428. Do you wish to move the Bill? 428. Gentleman indicates he does not wish to call the Bill. Mr. Saviano, 459. 459. The Gentleman indicates he does not wish to call the Bill. Does Mr. Cross wish to move 472? 472. Leave the Bill on the Order of Second Reading. For what purpose does Mr. Black seek recognition?"

Black: "Thank you very much, Mr. Speaker. By my purposes of a general announcement of some interest to the Members. The Comptrollers Office would like me to remind the Members that the comptroller is holding a benefits choice briefing

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in the Speaker's Conference Room, today 2 to 4 and tomorrow 2 p.m. to 4 p.m. In case you need to, particularly those of you who are new, to go over your insurance package and other benefits that you can enroll in because enrollment will stop at the end of May, it used to be the end of June. So, they urge those of you, particularly who are new, to take advantage of it, 2 to 4 today, 2 to 4 tomorrow, Speaker's Conference Room."

Speaker Madigan: "Mr. Saviano, Senate Bill 487. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 487, a Bill for an Act in relation to the regulation of professions. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Mendoza. Mendoza. Did you wish to move Senate Bill 492? Lady indicates she does not wish to move the Bill. Mr. Mathias, Senate Bill 505. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 505, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Watson. Mr. McKeon. Mr. McKeon on Senate Bill 591. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 591, a Bill for an Act in relation to housing. Second Reading of this Senate Bill. No



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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Molaro, 606. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 606, a Bill for an Act regarding taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Phelps, 629. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 629, a Bill for an Act concerning prisons. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Saviano, 684. 684. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 684, a Bill for an Act concerning speech language pathology. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Saviano, 698. 698. Land surveyors. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 698, a Bill for an Act concerning land surveyors. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Kosel. Kosel on 633. Lady indicates she does not wish to call the Bill. Mr... Mr. Hoffman. Mr. Hoffman, 992. Mr. Clerk, what is the status of the Bill? 992."

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Clerk Bolin: "Senate Bill 992, a Bill for an Act in relation to criminal law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 633?"

Clerk Bolin: "Senate Bill 633, a Bill for an Act in relation to aging. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Osterman, did you wish to move Senate Bill 947? Gentleman indicates he does not wish to call the Bill. Mr. Moffitt, you are the Sponsor of Senate Bill 715. Do you wish to move the Bill? Gentleman indicates he wants to leave the Bill on the Order of Second Reading. Mr. Scully, you are the Sponsor of 922. Do you wish to move the Bill? 922. It's concerned with child support. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 922, a Bill for an Act in relation to child support. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Watson, you are the Sponsor of Senate Bill 566. Do you wish to move the Bill? 566. It's concerned with education. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 566, a Bill for an Act concerning education. Second Reading of this Senate Bill. Amendment

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#1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Watson, Senate Bill 1069. Do you wish to move the Bill? Concerned with finance. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1069, a Bill for an Act concerning finance. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Mautino, you are the Sponsor of Senate Bill 1150. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1150, a Bill for an Act concerning insurance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Watson, it's been your day, Senate Bill 1362. This one's concerned with vehicles. You don't wanna move it? Gentleman indicates he wants to leave the Bill on the Order of Second Reading. Mr. Holbrook, Senate Bill 1378. Mr. Clerk, what is the status of the Bill? 1378."

Clerk Bolin: "Senate Bill 1378, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Slone, you are the Sponsor of Senate Bill 1379. Do you wish to move the Bill? Lady indicates she does not wish to move the Bill.

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Is Mr. Winters in the chamber? Winters. Mr. Winters, you are the Sponsor of Senate Bill 1408. Do you wish to call the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1408, a Bill for an Act concerning transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Eileen Lyons. Eileen, you're the Sponsor of Senate Bill 1543. The Lady indicates she does not wish to call the Bill. Mr. Saviano, Senate Bill 1545. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1545, a Bill for an Act concerning nurses. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Saviano, 1749. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1749, a Bill for an Act concerning the practice of medicine. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Biggins, you are the Sponsor of Senate Bill 496. Did you wish to move the Bill? 496. It's concerned with taxes. Mr. Biggins. Turn on Mr. Biggins. Biggins."

Biggins: "Yes, I do, Mr. Speaker. I would like to move the Bill."

Speaker Madigan: "Mr. Clerk, what is the status of the Bill?"

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Clerk Bolin: "Senate Bill 496, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Is Mr. Reitz in the chamber? Mr. Reitz. Mr. Burke. Mr. Burke. Mr. Burke. Mr. Burke, you are the Sponsor of Senate Bill 1034. Do you wish to move the Bill? Freedom of information. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1034, a Bill for an Act concerning freedom of information. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Burke, you're the Sponsor of Senate Bill 1047. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1047, a Bill for an Act concerning higher education. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Burke, you're the Sponsor of 1095. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1095, a Bill for an Act concerning unclaimed property. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Mr. Rita, you are the Sponsor of Senate Bill 1321. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1321..."

Speaker Madigan: "Mr. Hannig, you're the Sponsor of Senate Bill 1789. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1789, a Bill for an Act in relation to state finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Granberg, you're the Sponsor of Senate Bill 1918. Do you wish to move the Bill? It's concerned with finance. 9... Gentleman indicates he does not wish to call the Bill. Representative May. Representative May, you are the Sponsor of Senate Bill 1373. It's concerned with property taxes. Do you wish to move the Bill? The Lady indicates she does not wish to move the Bill. Representative Kosel. Mr. Brosnahan, you're the Sponsor of Senate Bill 1035. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1035, a Bill for an Act in relation to child abuse. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Granberg, you're the Sponsor of Senate Bill 630. 6-3-0. It's concerned with professional regulation. Do you wish to move the Bill?"

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Gentleman indicates he does not wish to move the Bill. Mr. Reitz, you are the Sponsor of Senate Bill 611. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 611, a Bill for an Act concerning electronic mail. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Granberg, you're the Sponsor of 199, concerned with health. Gentleman indicates he does not wish to call the Bill. Representative O'Brien, you're the Sponsor of Senate Bill 899. It's concerned with criminal law. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 899, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Scully. Mr. Scully, you are the Sponsor of Senate Bill 243. 2-4-3. Gentleman indicates he does not wish to call the Bill. Is Representative May in the chamber? Representative May. Mr. Novak, did you wish to call Senate Bill 9-1-5? Gentleman indicates he does not wish to call the Bill. Representative Kelly. Kelly. Representative Kelly. Representative Kelly, did you wish to call Senate Bill 2-5-5-2? Mr. Franks, did you wish to call Senate Bill 3? Gentleman indicates he does not wish to call the Bill. Mr.

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Hultgren. Is Mr. Hultgren in the chamber? Mr. Hultgren, did you wish to call Senate Bill 58? Gentleman indicates he does not wish to call the Bill. Mr. Burke."

Burke: "Thank you, Mr. Speaker. On a point of personal privilege. I'd like..."

Speaker Madigan: "State... state your point."

Burke: "...like to invite the Members to celebrate with my colleague and yours, Representative Susana Mendoza, on her 31st birthday. We are serving cake in the front of the chamber. Thank you."

Speaker Madigan: "Representative Flowers, do you wish to call Senate Bill 59? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 59, a Bill for an Act concerning hospitals. Third Reading of this Senate Bill."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 59 is a Bill that would allow hospitals to let the consumers of the State of Illinois know about their mortality rate, their infection rate, as well as their staffing rate. And I'll be more than happy to answer any questions you may have in regards to this Bill."

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

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I'm curious, in our report here it shows that it left the Senate with 55 'yes' votes and 0



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'no' votes. Has it changed since... are we changing it in any way? Is this the same as it left the Senate?"

Flowers: "There was a technical agree to Amendment by the Hospital Association and so there was no... So, yes, to answer your question, yes, it has changed. But the Amendment has been adopted and it passed out of committee on..."

Parke: "All right. I'm always curious if it affects the Hospital Association. Have they articulated a position? Are they neutral? Are they opposed?"

Flowers: "The Hospital Association, the Med Society, and SIU all agreed on Senate Bill 59 as well... as amended."

Parke: "So, there's an agreement on this legislation?"

Flowers: "Yes."

Parke: "Thank you, Mr. Speaker."

Speaker Novak: "Representative Novak in the Chair. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 59 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 59 is hereby declared passed. Senate Bill 76, the Lady from Cook, Representative Soto. Do you wish to call your Bill? Representative Soto in the chambers? Out of the record. Senate Bill 125, the Lady from Cook, Representative Howard. Mr. Clerk, read the Bill, please."

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Clerk Rossi: "Senate Bill 125, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Howard."

Howard: "Thank you, Mr. Speaker. Senate Bill 125 provides that an eligible offender who has not been convicted more than once for a felony may apply to the court or the Prisoner Review Board to seek a certificate of relief from disabilities as relates to bars to employment or licensure. And that is for certain professions or forfeiture of property imposed as a result of the offender's conviction. It defines eligible offender as a person who has not been convicted of a crime of violence."

Speaker Novak: "Thank you, Representative. The Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "Sponsor yields."

Parke: "Representative, you presented to the Body a House Bill similar to this. Is this a... reflects the same Bill that has come over from the Senate or is this different than that Bill?"

Howard: "This is a different Bill, Sir. I have not seen one that... I had a Bill, but I never pursued it, so we never... it was never presented."

Parke: "Now does this expunge? Is this an expungement?"

Howard: "No, it does not. It merely assists those individuals who need a license to... in order to be able to pursue their profession and it does not expunge nor seal."

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Parke: "All right. Is this a... is this a Bill require any kind of funding?"

Howard: "No, it does not."

Parke: "How are they gonna do this then, Representative?"

Howard: "I'm sorry."

Parke: "How are they gonna do it? Is it voluntary program?"

Howard: "It... it is a program that one can seek to be a part of by applying to the Prisoner Review Board for... for the special certificate."

Parke: "And what do they do with the certificate, Representative?"

Howard: "The certificate allows the person then to go to... to apply for the license that they have been denied because of their offense."

Parke: "License for what?"

Howard: "For instance, a person who is a nail technician must have a license in order to be able to do that. The professional regulations has not made it very easy for those individuals to get their license renewed because they have a record. We would like that to not be the case and that's why we are... we've sponsored this Bill, so that individuals who have a trade can in fact ply their trades and not be in a position and not able to support their family and to enter work."

Parke: "So, they would have trouble getting their license renewed or reinstated?"

Howard: "That's correct, because of their offense."

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Parke: "And why did we have the law in the books in the first place? What are we... what is the public... what was the public perception of the legislation as it is law now? What were we try... we're saying that if you're broken the law and it's a felony that you shouldn't work in any kind of a licensure position?"

Howard: "Well, it is apparent that there was some reason that the public and of course the General Assembly decided that these individuals ought not to. But what we're saying is that in some instances there ought to be special consideration given to them and we're asking that in certain situations, and there's a whole list of them that are in the Bill, that in certain situations that that particular penalty not be... continued to be bestowed upon those individuals."

Parke: "Well, Representative, I guess this sounds like a pretty good idea if you think about it, because what we're saying is that we're gonna give them an opportunity to find meaningful employment after they've paid their dues to society for whatever infraction of the law they've broken."

Howard: "That's exactly what we had in mind."

Parke: "But it is restricted, it has to be something that the Prison Review Board reviews and says that this is the right thing to do. That it's not a carte blanche, not everybody's gonna get this opportunity and some will be turned down by the Prison Review Board."

Howard: "It is restricted to those specific licenses that are specified in the Bill so that it is not just everyone, but

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only those that have to do with those licenses that we specified."

Parke: "Well, is it... is it if they have a license and just because they're a felon and they are licensed that we have to give it to 'em or is the Prison Review Board review their request and then say 'yea' or 'nay' on that request?"

Howard: "The latter is the correct..."

Parke: "Say that..."

Howard: "...answer."

Parke: "Say that again."

Howard: "The latter. You gave me two options and I said it is the latter. That is the Prison Review Board reviews and makes a determination about whether or not that individual should have the license reinstated."

Parke: "So, they can say 'no'?"

Howard: "They can say 'no', absolutely."

Parke: "Well, I wish there was... that you had a sunset so we could review this to see if it works, but I think on the face of it allowing men and women who have paid their dues to society oughta be able to have a meaningful employment, otherwise they'll end up back into the prison system again. So, I guess on the face of it, it sounds like a good Bill. I'll listen to further debate, though. Thank you, Representative."

Howard: "Thank you."

Speaker Novak: "Further discussion? The Lady from Kane, Representative Lindner."

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

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Speaker Novak: "Sponsor yields."

Lindner: "Representative, this is supported by the Chicago  
Metropolis 20/20. Is that correct?"

Howard: "That's correct."

Lindner: "And supported by groups who have been working in  
juvenile justice and feel that this will help the problem  
of recidivism?"

Howard: "That is correct, as well."

Lindner: "And it doesn't apply to any violent offenses or any  
sex offenses?"

Howard: "It does not apply to either of those."

Lindner: "And that there are only, I believe, 15 categories in  
the Bill that it applies to. Is that correct?"

Howard: "It is restricted to just those that are in... that are  
mentioned in the Bill."

Lindner: "Right. And they either have to go... for a certificate  
of relief they have to go before the Circuit Court and for  
a certificate of good conduct before the Prisoner Review  
Board?"

Howard: "Yes."

Lindner: "Okay, so there will be a thorough review before this  
even happens?"

Howard: "That is correct."

Lindner: "All right. To the Bill. I think this is a good  
Bill. It is supported by the juvenile justice groups, by  
Chicago Metropolis 20/20 and by people who have been  
working in the area for a long time. It is bent to try and  
change the mindset on rehabilitation and help prisoners

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rehabilitate to prevent recidivism. And I would urge an 'aye' vote."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Could we have a little order in the chamber?"

Speaker Novak: "Yes. Could we have a little order, please."

Black: "Let that be a lesson to them. You don't fool around when you want order."

Speaker Novak: "We certainly don't. Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Representative, this Bill, I think, goes a lot further than some people have indicated. If a registered nurse is convicted through willful and wanton negligence in the death of a patient, as I read this Bill, that nurse upon the completion of her... his or her sentence can apply for this waiver and get her nursing... his or her lic... nursing license back. Is that... am I not reading it correctly?"

Howard: "You are not reading it correctly."

Black: "Where does it say that then?"

Howard: "I refer you to, let's see, I have page 8 and hopefully that's the same with yours, under (i). It specifies those 15 categories where this re... this certificate of relief would be appropriate."

Black: "So, it's only to restore..."

Howard: "Only... only those 15 are included in this Bill."

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Black: "Well, I'm glad to know that we can let an interior designer get his or her license back if they messed up my wallpaper, but... How about... I don't see locksmiths on here. So, a locksmith couldn't get their... a locksmith could not get his or her license back?"

Howard: "Not under this Bill."

Black: "All right. Now, let's... let's take a look at some of the subsections that can get a license back. The Real Estate License Act and the Illinois Roofing Industry Licensing Act. A realtor who took earnest money from a client in the amount of \$10 thousand and did not make a bona fide offer to the seller, but in fact put the earnest money in his or her account and went to jail for embezzlement and fraud can come back out and get a certificate and go right back in the real estate license where he or she has had a history of defrauding clients. Correct?"

Howard: "Well, that sounds a little bit much, but let me say that if a person has been convicted of that and they have paid their time, this is merely giving them an opportunity to be heard by the Prisoner Review Board, that will make the ultimate decision. So that no, they don't just get carte blanche, the ability to come back and do what you just described, again. If in fact the Prisoner Review Board feels that their... their crime is such that they ought not to get, then they will not get."

Black: "So, a health care worker convicted of... and it's unfortunate, but it often is happening in today's health



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care field, they have ready access to drugs and many physicians and nurses and other health care practitioners have had to go into rehab or have been sentenced for the misuse of controlled substances. Now, I don't... I don't see this on the list. You're giving me your assurance that a health care worker who was convicted in a court of law of the illegal possession and the illegal use of a narcotic cannot, under this law, go back and ask for their license to be restored."

Howard: "This Bill does not cover what you just described. So, yes, I can assure you that under this Bill that person will not be given a certificate of relief."

Black: "And there is an exception. If I'm a dog groomer, but I promoted the dog fighting industry, I'm not gonna get my dog groomer's license back. Right?"

Howard: "That is correct."

Black: "Because that's an exception."

Howard: "You will not... That's right. You will not get it."

Black: "Does it cover under the Animal Welfare Act, does it cover veterinarians?"

Howard: "That is one of the things that's been... been eliminated from consideration..."

Black: "Okay."

Howard: "...those persons who have abused animals."

Black: "Okay. Now, in the... in the part of a roofing contract, the roofing contractor is contracted to put a roof on my house, does not follow the approved building code of the community, does not follow standard and accepted practices

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of the Roofing Licensing Act, puts on an inferior roof. The roof collapses during a rainstorm, causes me considerable loss of money and maybe even injures a member of my family. I sue him in a civil court and the state's attorney decides to file charges of business fraud, fraudulent business practice and he's convicted. I win a civil suit against him for all the damages that I've suffered because of his fraudulent act. But as I read this, if he does his time and he pays what he's supposed to pay under the civil suit, in due time that roofer could apply to the Prisoner Review Board for the applicable waiver and regain his roofing contractor's license."

Howard: "Yes, that is correct, Representative Black, that person at that time will have to demonstrate that he or she has in fact reformed and that they deserve a second chance."

Black: "Okay."

Howard: "That is the whole purpose of going..."

Black: "Well..."

Howard: "...before the Prisoner Review Board."

Black: "I... I would assume even if he got his license back I wouldn't hire him again, but I see what you're trying to do. And I do appreciate the fact that you pointed out the error of my earlier interpretation and I'm glad that your Bill does specifically outline the licensed professions and careers that would be eligible for a renewal of their license after a crime. 'Cause when I first read this I thought, good grief, we could... 'cause this happened right

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across the border from me. There was a nurse who injected the wrong drug and they later found out, deliberately killed nine or ten patients. We'll never know why he did it and I think he's serving a life sentence. But I... I thought surely he isn't gonna come back and get a nursing license, but that is not covered..."

Howard: "No."

Black: "...in your Bill."

Howard: "It is not."

Black: "The only ones covered are the ones enumerated on page 8 of the Bill? All right. Fine. Thank you very much."

Speaker Novak: "Any further questions? Representative Howard to close."

Howard: "I would just certainly like the support of my colleagues and I'd like all 'green' votes. Thank you."

Speaker Novak: "And the question is, 'Shall Senate Bill 125 pass?' All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Granberg, do you wish to vote? Representative Eddy. Representative Winters. Mr. Clerk, take the record. On this question, there are 92 voting 'yes', 28 voting 'no'... excuse me, 89 voting 'yes', 28 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 125 is hereby... hereby declared passed. Representative Sacia, for what reason do you rise, Sir?"

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

Speaker Novak: "State your point, please."

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Sacia: "With us in the gallery today from Elizabeth, Illinois, is Junior Girl Scout Troop 114. Came all the way from Elizabeth to watch Bills being made. And would you join me in welcoming them to the Capitol."

Speaker Novak: "Welcome to the Illinois House of Representatives. Thank you, Mr. Sacia. Senate Bill 131, the Lady from Cook, Representative Feigenholtz. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 131, a Bill for an Act concerning health facilities. Third Reading of this Senate Bill."

Speaker Novak: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 131 amends the Hospice Program Licensing Act. This is an Act that has been established in 1981 and has since never been amended. It does some very small or two succinct things. It works with the definition of terminally ill and redefines it as having an anticipated life expectancy of 12 rather than six months. And also amends the requirement that a hospice plan be either a home health agency, hospital or nursing home is deleted and changes this. I'd be glad to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 131 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Grunloh. Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And

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having reached the required Constitutional Majority, Senate Bill 131 is hereby declared passed. Senate Bill 149, the Lady from Cook, Representative Feigenholtz. Do you wish to call your Bill? Mr. Clerk, call the Bill, please."

Clerk Rossi: "Senate Bill 149, a Bill for an Act concerning family law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Feigenholtz."

Feigenholtz: "Thank you, again, Mr. Speaker. This is a Bill that eliminates the fee at the court level for the appointment of a confidential intermediary. I would be glad to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 149 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 149 is hereby declared passed. Senate Bill 180, the Lady from Cook, Representative Feigenholtz. Representative Feigenholtz. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 180, a Bill for an Act concerning records. Third Reading of this Senate Bill."

Speaker Novak: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker, again. This is a Bill that was sent over by Senator Sullivan from the Senate. It was an issue that eliminates the need to have a court

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adoption record filed for children who are being adopted from out of the country who are here on T3 status that do not require readoption. I would be glad to answer any questions. This Bill will eliminate unnecessary costs and encourage more adoptions in this state."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. I... I just have an inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Parke: "How many more Bills does Representative Feigenholtz have on the Calendar? I mean, do we have to have another 10 or 15 or does anybody else get a Bill?"

Speaker Novak: "No, this is the last one."

Parke: "That's..."

Speaker Novak: "On this pa..."

Parke: "I figured as much."

Speaker Novak: "On this page."

Parke: "I have no questions. Thank you."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall I... shall I... Senate Bill 180 pass?' All those in favor vote 'aye'; all 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... Representative Soto. Representative Bradley. Representative Rita. Mr. Bradley. Mr. Clerk, take the record, please. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having

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reached the required Constitutional Majority, Senate Bill 180 is hereby declared passed. Senate Bill 201, the Gentleman from Cook, Mr. Will Davis. Mr. Will Davis. Do you wish to call your Bill, Sir? Out of the record. Senate Bill 222, the Gentleman from St. Clair, Mr. Holbrook. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 222, a Bill for an Act in relation to environmental protection. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. Senate Bill 222 is a cleanup Bill by the Environmental Regulatory Review Commission that was established. It was made up of environmental community people, industry, state and local government and created by executive order. I know of no opposition to this Bill. There's a lot of cleanup work and especially around the oil recovery fund. It allows us to adopt the American Society of Testing and Material Standards for our phase one environmental cleanup. And all parties are in agreement."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Novak: "Sponsor yields."

Mulligan: "Representative, how does this impact the funds that business was able to use to clean up such things as underground storage tanks?"

Holbrook: "This wouldn't affect that at all. This is not part of the LUST Fund."

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Mulligan: "All right. So what funds are you actually changing?"

Holbrook: "The Oil Recovery and the Oil Spill Liability Fund will be created and it will be subject to appropriation. We're also doing a Response Action Contractor Indemnification Act Fund, which will lower the contract responsibility... contractors liability from 2 million to 100 thousand, because they are now being covered by private insurance for that and this follows the... that groups recommendation."

Mulligan: "Is there gonna be a fee to contractors to establish this fund or how are you gonna make up the money?"

Holbrook: "The money in this fund will be... originally, there was a 5 percent clawback and that will be eliminated and this will also allow for money to come in from both the federal program and there's two other... two other sources here, one was gifts and transfers from... that exceed 100 thousand would then go in to the Brownfields Recovery Redevelopment Fund, the BRF, to allow them to clean up brownfields in municipalities, any excess over that 100 thousand."

Mulligan: "I'm sorry, I'm not quite sure if I understand that. Are you taking the money out of the Brownfields Fund so it will no longer be there?"

Holbrook: "No, we're putting money in it from a fund that hasn't been used in 17 years and that was Contractors... Response Action Contractors Indemnify Fund and that's the money that we're taking the money out. It hasn't been used



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in 17 years. It's gonna go into the Brownfields Fund to help clean up brownfields in the state."

Mulligan: "So it'll allow more people to apply for the grants to cleanup?"

Holbrook: "It will allow more brownfields cleanup. Is that what you said?"

Mulligan: "Yes."

Holbrook: "Yes."

Mulligan: "Okay. And are any of the funds that you... that you're mentioning here funds that Governor Blagojevich has proposed to take monies out of?"

Holbrook: "Not to my knowledge."

Mulligan: "All right, because if we're putting money into funds and then they're going to charge them to administer it and we're making two and we're proposing that there be additional cleanup, it would be not particularly good if the Governor was taking the money out of those funds."

Holbrook: "Well, he wouldn't get it out of this fund, because it hasn't even been set up yet."

Mulligan: "All right."

Holbrook: "And the... the Response Action Contractor Indemnification Act has never been touched to the best of my knowledge and there's been no money taken out of it for 17 years."

Mulligan: "All right. And would this allow us to access more federal funds?"

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Holbrook: "Yeah, there is \$2 million right now in the Response Action Contract Indemnification Act and it would move 1.7 million into the brownfields."

Mulligan: "Thank you."

Holbrook: "Excuse me, 1.9."

Speaker Novak: "Any further discussion? Hearing none, the question is, 'Shall Senate Bill 222 pass?' All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 222 is hereby declared passed. Senate Bill 266, the Gentleman from Cook, Mr. Joyce. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 266, a Bill for an Act concerning unemployment insurance. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 266 is clean up language at the request of State Bar Association and the Illinois Department of Employment Security. It deletes language making a Class A misdemeanor for a person to charge or to receive a fee for representing a claimant that has not been approved by the Board of Review or the director of Employment Security. It also makes... deletes language to... makin' it a Class A misdemeanor for a person to solicit the business of

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appearing on the behalf of a claimant or solicit employment for another in connection with any claim for benefits. It's just... this is just cleanup language. Enables someone to collect a fee but not an exorbitant amount of fee, because I think it's maxed out at \$50 per hour. Any questions, I'd be happy to answer 'em."

Speaker Novak: "Thank you, Mr. Joyce. Is there any... is there any discussion? Hearing none, the question is, 'Shall Senate Bill 266 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The hearing... the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes'... excuse me, 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 266 is hereby declared passed. Senate Bill 267, the Gentleman from Bureau, Mr. Mautino. Do you wish to call your Bill? Out of the record."

Mautino: "Thank you, Mr. Speaker. I ask that 267 be returned to Second Reading for an Amendment that's coming up."

Speaker Novak: "Mr. Clerk, return this Bill to Second Reading. Senate Bill 278, the Gentleman from Cook, Mr. Brosnahan. Do you wish to call your Bill? Out of the record. Senate Bill 280, Mr. Mautino. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 280, a Bill for an Act concerning Corrections. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mautino."

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Mautino: "Thank you, Speaker. The Bill before you, Senate Bill 280 as amended, is the administration Bill for the State Police and Corrections. It allows the State Police to obtain offender DNA samples prior to final discharge. It allows State Police to contract with third parties to collect DNA samples for the offender database. And it provides that the DNA sample collected is inadequate for any reason an offender shall provide another sample. I know of no opposition. We went ahead and.. and worked with the agency to get the.. the language has been agreed and this allows 'em to do what we as the General Assembly have asked that they do."

Speaker Novak: "Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 280 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.. Mr. McGuire. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 280 is hereby declared passed. Senate Bill 319, the Gentleman from Cook, Mr. Lang. Mr. Clerk, call the Bill, please."

Clerk Bolin: "Senate Bill 319, a Bill for an Act concerning abuse and neglect. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 319 is a Bill that protects those who

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work at nursing homes and other such places from retaliatory discharge when they report abuse and neglect that they see on the premises. It's in response to a Illinois court case that said there was no such protection so this simply adds protection to the law. I would appreciate your support."

Speaker Novak: "Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 319 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 319 is hereby declared passed. Senate Bill 339, the Gentleman from Cook, Mr... Out of the record, Mr. Clerk. Senate Bill 348, the Gentleman from Lake, Mr. Mathias. Mr. Clerk, call the Bill."

Clerk Bolin: "Senate Bill 348, a Bill for an Act in relation to civil procedure. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. This is Senate Bill 348. It's similar to a Bill that we previously passed, House Bill 3020, which passed unanimously out of the House. Basically what it does, it amends the Code of Civil Procedure to provide that in every count, in any complaint where you have a multi-count complaint or counterclaim, the person doing the complaint should contain specific prayers

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for relief for every count in the complaint or counterclaim. I ask for your 'aye' vote."

Speaker Novak: "Thank you, Mr. Mathias. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 348 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 348 is hereby declared passed. Senate Bill 359, the Lady from DuPage, Representative Bellock. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 359, a Bill for an Act concerning health facilities. Third Reading of this Senate Bill."

Speaker Novak: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Senate Bill 359 amends the Alternative Health Care Delivery Act and it provides that children's community-based health care centers must be available through the model to all families. This provides requirements for facilities and the services the facilities provide. This Act addresses the issue in my area that's a national model for respite care for children who are on ventilators who are medically fragile. There was no opposition to this Bill in committee and it passed the Senate unanimously."

Speaker Novak: "Thank you, Representative. Is there any discussion?"

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Bellock: "I did..."

Speaker Novak: "Any discussion? Seeing none, the question is, 'Shall Senate Bill 359 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Rita. Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 359 is hereby declared passed. Senate Bill 363, the Gentleman from Lake, Representative Mathias. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 363, a Bill for an Act concerning family law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 363 is an initiative of the Illinois State Bar Association, their local government section counsel. And basically, the Bill adds criteria for maintenance decisions made after the initial judgment of dissolution of judgment has been entered. This is the same Bill as Senate Bill 117 from the 92nd General Assembly that passed out of the House... the Senate, I'm sorry, unanimously and I ask for your 'aye' vote on this Bill."

Speaker Novak: "Thank you. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 363 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take

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the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 363 is hereby declared passed. Senate Bill 374, the Gentleman from DuPage, Mr. Millner. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 374, a Bill for an Act concerning commerce. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Millner."

Millner: "Thank you, Mr. Speaker. Senate Bill 374 creates the family-friendly workplace initiative and allows the Department of Commerce and Community Affairs to establish with the advice of members of the business community a family-friendly workplace initiative. States that the department may develop a program to annually collect information regarding the state's private or public eligible employees. And it passed unanimously in the Senate and I ask for your vote."

Speaker Novak: "Thank you, Mr. Millner. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 374 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 374 is hereby declared passed. Senate Bill 376, the Gentleman from Cook, Mr. Miller. Mr. Clerk, read the Bill, please."



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Clerk Bolin: "Senate Bill 376, a Bill for an Act in relation to public health. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 376 amends the Vital Records Act to require that death certificates express dementia-related diseases, such as Parkinson and Parkinson-Dementia Complex. I ask for a favorable vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 376 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 376 is hereby declared passed. Senate Bill 381, the Gentleman from Fulton, Michael Smith. Mr. Smith. Out of the record. Senate Bill 382, the Lady from Cook, Representative Kelly. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 382, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 382 amends the Criminal Code of 1961 so that the attempt to unlawfully purchase a firearm will now have the same penalty as actually unlawfully purchasing a firearm. This is similar to House Bill 312 that passed out

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of the House. And it's supported by the NRA, the Illinois Council Against Handgun Violence, the Cook County State's Attorney and the City of Chicago."

Speaker Novak: "Thank you, Representative. Is there any discussion? The Gentleman from... from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Representative, I've... we've seen this Bill in the past in one form or another, let me make sure that we're all on the same page. This Bill and the reason that I... I think I support it, but I wanna make sure I'm on the right Bill, we're had so many firearm Bills it's hard to keep track. This Bill puts the responsibility on those who violate the law. Correct?"

Kelly: "Correct."

Black: "You violate the law on the purchase of handgun, you're going to be punished. Not the dealer, not the... not the person selling it, but the person who fraudulently purchased the gun is going to bear the full force of law for his or her fraudulent purchase of a gun?"

Kelly: "That's correct."

Black: "Fine. Thank you. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Black: "This is a Bill I think that no matter what side of this issue you're on you can support. And I... I have often stood on this House Floor with others and asked a rhetorical

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question, why doesn't the City of Chicago adopt the Project Exile situation where the United States Attorney, I believe in Richmond, Virginia, took a very hard line on firearm offenses. That if you violated the firearm laws of your state or the Federal Government, particularly if you were out on parole, there was no second chance, you are gonna do hard time. And that prosecutor made it very clear, if you violate firearm laws, you are going to jail through the federal courts and you will serve your time in the federal prison. Lo and behold, I read today in the Chicago Tribune that the City of Chicago has adopted what in affect is Project Exile, I think they're going to call it Project Safe Neighborhoods. At last, some of us poor, old, dumb downstaters have gotten some folks in the City of Chicago to understand that if you prosecute, vigorously prosecute those who knowingly and willfully violate firearm laws... they go to jail, they might get the message through their thick skull. This is a good Bill. I intend to vote 'aye'."

Speaker Novak: "Thank you, Mr. Black. Further discussion? The Gentleman from Cook, Mr. Fritchey. There any further discussion? Seeing none, the question is, 'Shall Senate... 382 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr... Mr. Colvin. Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required

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Constitutional Majority, Senate Bill 382 is hereby declared passed. Senate Bill 383, the Gentleman from Rock Island, Mr. Verschoore. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 383, a Bill for an Act concerning libraries. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Verschoore."

Verschoore: "Thank you, Mr. Chairman, Ladies and Gentlemen. Senate Bill 383 authorizes the Secretary of State to create a nonprofit corporation known as the Illinois State Library Foundation and appoint between six and eleven directors with the Secretary State serving as the ex officio officer. The Bill also enhances the statewide library awareness for people in Illinois making grants and gifts to support their goals. Authorizes the Secretary of State to adopt rules necessary to govern foundation procedures. It also provides for disposition of funds collected by the foundation which may come from federal grants and provide... private individuals and entities. I'd be glad to answer any questions. Thank you."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Champaign... excuse me. For what reason do you rise, Mr. Rose?"

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

Speaker Novak: "State your point, please."

Rose: "Ladies and Gentlemen, I've got some good friends here today from the Mattoon Middle School. Sixth graders up here in the yellow shirts around the gallery. Please join

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me in welcoming them to Springfield. Thank you, Mr. Speaker."

Speaker Novak: "Welcome to State House of Representatives.

Thank you. Any discussion? Mr. Lang."

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

Speaker Novak: "Sponsor will yield."

Lang: "Representative, do I understand that this is your very first Bill..."

Verschoore: "Yeah, yes."

Lang: "...in what you hope will be a long and illustrious career?"

Verschoore: "I hope to be, yes."

Lang: "So this is your first Bill?"

Verschoore: "This is it."

Lang: "Little nervous about it, are ya?"

Verschoore: "Yes, I am, but I'm ready."

Lang: "You're doing very well so far."

Verschoore: "Thanks."

Lang: "Thank you. You know you're on television and on the Internet all over the world?"

Verschoore: "Really?"

Lang: "Right."

Verschoore: "I have to smile a lot, huh?"

Lang: "But as Representative Franks..."

Verschoore: "Kevin said that..."

Lang: "...as Representative Franks said, don't worry no one watches us, so you don't have to worry about it. So, I

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noticed your Bill is about the Secretary of State's Office.  
Have you discussed this Bill with him, Sir?"

Verschoore: "Yes."

Lang: "Yes, you have personally met with the Secretary of State  
White..."

Verschoore: "No, I haven't..."

Lang: "...regarding this Bill?"

Verschoore: "Not personally, no."

Lang: "No. Is Mr. Verschoore's microphone on, Mr. Speaker? I  
can barely hear him."

Verschoore: "Yes, it's..."

Speaker Novak: "His microphone is on, Mr. Lang."

Verschoore: "... it's on."

Lang: "All right. So, you... so, you've talked to his office and  
they're very much for this Bill?"

Verschoore: "Yes, they are."

Lang: "Now, and I noticed that it... it creates a State Library  
Foundation. Have you talked to other librarians around the  
state?"

Verschoore: "I've talked to the ones in my area, I haven't  
traveled around the state and talked to 'em, but I..."

Lang: "So... so all the librarians in your area are for this, but  
you don't know if for instance the Skokie librarian is for  
this or you don't know if the Rockford librarian is for  
this, you don't know if the Springfield librarian is for  
this."

Verschoore: "No, but I wouldn't know why any reason they  
wouldn't be for it."

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Lang: "Are you interested in taking this Bill out of the record? We'll wait while you call all the librarians in the..."

Verschoore: "No."

Lang: "...State of Illinois..."

Verschoore: "No."

Lang: "...to make sure that there's a complete consensus on this."

Verschoore: "No."

Lang: "You're not interested in that?"

Verschoore: "No."

Lang: "Well, Representative, don't you think you have a responsibility to check through a Bill that affects the libraries of the State of Illinois?"

Verschoore: "I don't have time to drive all the way around the state. I have... my... my duty is to my constituents in my area."

Lang: "Well, I appreciate that, but you have a telephone at your desk. Ya know, in the old days we didn't have phones at our desk here on the House Floor, it predates me, by the way."

Verschoore: "I'm aware of that."

Lang: "Yeah, but you could use your phone. We'll wait while you do that. You won't hold up the business of the House more than six or eight hours, I'm sure."

Verschoore: "No, I don't wanna do that."

Lang: "All right."

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Verschoore: "There's too many important things that need to get done."

Lang: "And so this Bill calls for a... directors on this board of no less than six, no more than eleven."

Verschoore: "That's correct."

Lang: "Well how did you come to those numbers?"

Verschoore: "That was the way when the Bill was set up. I don't know."

Lang: "Well, you're the Sponsor, Sir, you're obligated to know why."

Verschoore: "That was... that was the information that was supplied to me."

Lang: "So, was this Bill Representative Brunsvold's Bill originally?"

Verschoore: "No, it wasn't."

Lang: "Ah. Whose Bill was it?"

Verschoore: "Mr. Franks."

Lang: "Mr. Franks. So, he didn't like this Bill well enough to keep it?"

Verschoore: "Evidently not, he passed it on to me."

Lang: "So... so, you don't feel like you've been stuck with some Bill that Mr. Franks doesn't have time for while he's, ya know, taking care of prescription drugs for seniors, he's giving you this fluff Bill?"

Verschoore: "He's... he's a pretty busy man."

Lang: "Yes, he is, I sit next to him. He... he is a very busy man. So, would this Bill work just as well if it was no less than eight nor more than thirteen directors?"



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Verschoore: "Well, I think the Secretary of State will be able to decide how many directors he needs."

Lang: "Well, did he draft the Bill?"

Verschoore: "No, he didn't."

Lang: "Well, okay. So, this authorizes the Secretary of State to adopt rules. How will that be done? What's the procedure for that?"

Verschoore: "Well, I'm assuming he's gonna set up a committee that would look into everything that's proposed before him."

Lang: "Will this involve an organization we refer to as JCAR?"

Verschoore: "I'm not familiar with that."

Lang: "Well, that's 'cause you're a freshman. You'll be familiar with them soon enough. Well, and what about the auditor general, it subjects the funds to audits. Is the auditor general onboard on this Bill?"

Verschoore: "Well, I think all funds have to be audited, Representative."

Lang: "Well, I understand, but the auditor general, Mr. Bill Holland, who's in the middle of his 10-year term is the person that will have to do this. Have you discussed this Bill with him? You're giving him these huge responsibilities under this Bill."

Verschoore: "I didn't aware I was had to do that. I'm sorry."

Lang: "Well, ya know what, while other people are questioning you, you might want to have your staff call both Mr. Holland and every librarian in Illinois to see if they would sign onto this legislation. We'll be listening

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though to hear your close on this, Representative. Thank you very much."

Verschoore: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Randolph, Mr. Reitz."

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

Speaker Novak: "Sponsor will yield."

Reitz: "I guess following up on Representative Lang's question is, you say you have six to... and no more than eleven directors. Is Representative Brunsvold one of those directors or..."

Verschoore: "No, he isn't."

Reitz: "...a former Representative. How about Director Hartke?"

Verschoore: "No, he isn't."

Reitz: "He can't be?"

Verschoore: "I don't think so."

Reitz: "Okay. And you have this foundation, now, as a former involvement in construction business, what type of foundation is this?"

Verschoore: "I'm sorry, I don't hear very well. I'm getting a little..."

Reitz: "I'll tell ya what, as a former you were involved as a... you were involved in a plumbing business before, weren't you?"

Verschoore: "Yes, I was in the Plumbers and Pipe Fitters Union. Yes."

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Reitz: "Yes. Now, so what... so this forms the foundation. What type of foundation is this? Coming from the construction business, what type of foundation does this form?"

Verschoore: "I didn't think it was from the Plumbing or Pipe Fitting Industry."

Reitz: "It says on my analysis said it... forms a foundation, a Illinois State Library Foundation."

Verschoore: "It'd be a library..."

Reitz: "How do they construct that foundation or what is it masonry or..."

Verschoore: "No, it's not masonry."

Reitz: "What type?"

Verschoore: "It's a foun... it's a governmental foundation."

Reitz: "Oh, okay, sorry. My mistake. Well, thank you. I appreciate it. Good luck with your Bill. You have a good career coming. And I'm glad you answered that 'cause I wasn't sure I could support it before. Thank you."

Verschoore: "Thank you very much."

Speaker Novak: "Further discussion? The Gentleman from Jackson, Mr. Bost."

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

Speaker Novak: "Sponsor will yield."

Bost: "Ya know what, Representative, I'm a little concerned, and ya know, I... we all know the Representative who you replaced and I'm a little concerned whenever we look at the analysis. Do you feel that this is an expansion of government? I mean, it says that there will be six to

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eleven board members and isn't that a large expansion of government?"

Verschoore: "I wouldn't say so. I would think most... most anything like this originate would have the directors of that amount, maybe more even."

Bost: "Yes, but, ya know, right now we're in the process of trying to turn all this down and I know that, like I said the Representative you replaced would have never expanded government to this level and six to eleven members. Do you think we should possibly take this out of the record, go back and look at it, see if we can't bring it... bring it back to where..."

Verschoore: "No, I think..."

Bost: "...maybe we don't expand that?"

Verschoore: "...six or eleven's fine and... and as I understand it they're unpaid anyhow."

Bost: "Well, I'm a little concerned also, in our analysis it says that... it says making grants and gifts in the support of the goal. Now, does that not fall under the Gift Ban Act?"

Verschoore: "I'm not... I'm not aware of that. I'm not..."

Bost: "Are you familiar with the Gift Ban Act?"

Verschoore: "I know what the Gift Ban Act is, but I don't think there'd be any gifts involved in this..."

Bost: "Okay. I was just a little concerned by the way it's here."

Verschoore: "...unless it'd be a library book."

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Bost: "Ya know, I... I think it may have a few problems, maybe we need to look at it. You wouldn't want to pull it out of the record?"

Verschoore: "No."

Bost: "All right. Well, we'll... we'll watch and listen to more of the debate."

Verschoore: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Molaro."

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

Speaker Novak: "Sponsor will yield."

Molaro: "You don't mind if I..."

Verschoore: "No."

Molaro: "...we talk amongst ourselves here. I know you're... Now, it says here the Secretary of State serves as ex officio director. What if he refuses?"

Verschoore: "Well, if... I wouldn't know why he would, if he's setting up this... he's gonna set it up, he would wanna officiate over it. If I was setting it up, I'd wanna officiate over it."

Molaro: "Did... did you talk to him?"

Verschoore: "No, like I told Mr. Lang, I haven't talked to him, but I'm sure he would be acceptable to this."

Molaro: "Now, it says here he's also supposed to appoint these 11 directors. What if he doesn't..."

Verschoore: "Six to eleven directors, yes."

Molaro: "Six. What if he doesn't do that?"

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Verschoore: "He's going to do that if he sets it up."

Molaro: "Well..."

Verschoore: "I mean, if I was gonna set it up and I laid out the ground rule six to eleven, I'd either have six or eleven or ten or whatever."

Molaro: "So, we might be passing this, send it to the Governor wasting his time and the Secretary of State could say I don't wanna do this?"

Verschoore: "No, he's going to do it."

Molaro: "Okay. One last question, is this a fee increase?"

Verschoore: "Is this a what?"

Molaro: "Is this a fee increase?"

Verschoore: "No."

Molaro: "All right. Just wanted to make sure."

Verschoore: "No, there would be no fee increases coming from me."

Molaro: "They'll be none from you, 'cause you're... All right. I just wanted make that char... for the record, no fee increases from this Representative."

Verschoore: "You got it."

Molaro: "All right. Thank you."

Speaker Novak: "Thank you. Is there any further discussion? Mr. Verschoore to close."

Verschoore: "There was no... there was no opposition to this in committee, so I would ask for a 'yes' vote on this. And I... and I appreciate all the questions from my colleagues, I know they were well-intentioned."

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Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 383 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. And the voting is open. Have all voted who wish? Mr. Clerk... Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 383 is hereby declared passed. Senate Bill 385, the Gentleman from Cook, Mr. Saviano. Mr. Clerk, call the Bill, please."

Clerk Bolin: "Senate Bill 385, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. I'd ask that Senate Bill 385 be brought back to Second for the purpose of an Amendment."

Speaker Novak: "Mr. Clerk, please return this Bill back to Second Reading. Senate Bill 387, the Gentleman from Cook, Mr. Delgado. Mr. Kirk... Mr. Clerk, call the Bill, please."

Clerk Bolin: "Senate Bill 387, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Yes, thank you, Mr. Speaker and Members of the House. Senate Bill 387 has come about and this Bill prohibits the court from ordering supervision for a defendant charged with a Class A misdemeanor violation of the Humane Care of Animals Act. And what this Bill will basically do, a court may enter an order for supervision for the above offenses

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which range in various misdemeanors. And at this point we wanna take away the ability to just provide supervision and bring this to a Class A misdemeanor. And I am available for questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from McHenry, Mr. Franks."

Franks: "Representative Del... Will the Sponsor yield?"

Speaker Novak: "Sponsor yields."

Franks: "Thank you. Representative Delgado, I understand what you're trying to do here. I just wanna make sure that we're not treating animals better than we're treating people. If one commits a crime for an offense against an individual, a person, and it's a misdemeanor..."

Delgado: "Right."

Franks: "...does that person... is that person able to get supervision?"

Delgado: "Can you repeat your question, Mr. Franks?"

Franks: "Let's say someone commits a misdemeanor against another individual, against another person. Okay. Battery and assault, something like that."

Delgado: "Yes, yes."

Franks: "Ya know, a violation of someone's, ya know, body. Is that person eligible for supervision? Because I hate to see in this state as saying that animals are more important than people."

Delgado: "Well, as you know well, counselor, that plea bargains are... really work well, but theoretically they could. But in this case, let me be more specific. This would be if



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you manufacture, sell or possess equipment used in dog fighting of a misdemeanor. In this case, a dog wouldn't be able to protect himself, a human being would be at least able to retaliate. In this case, an animal is at... unfortunately at the mercy of the human."

Franks: "No, I understand the rationale. I... and I'm probably gonna support your Bill, I'd like to see an Amendment though and I don't know if we have time to send it back and say, hey, if you do misdemeanors, bodily injury, against other humans that you shouldn't be able to get supervision."

Delgado: "Get supervision. And that's the Bill I wanna work with you and we could be Co-chief Sponsors on that one, Representative."

Franks: "'Cause I certainly don't wanna elevate animals over humans."

Delgado: "I totally agree and we should do the same thing for health care workers and folks who deal with animals in zoos shouldn't be making more than our home care workers either."

Franks: "Okay. Thank you."

Speaker Novak: "Thank you. Further discussion? Is there any further discussion? Mr. Parke, for what reason do you rise, Sir?"

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

Speaker Novak: "Sponsor will yield."

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Parke: "Representative, I wasn't gonna really speak on this, but I noticed that there were 17 'no' votes in the Senate. Do we know why... where's the Sponsor?"

Delgado: "Mr. Parke, yeah, here I am."

Parke: "Do you know why?"

Delgado: "Representative Parke, that's an observation I didn't make. I'm not sure why that occurred over there in the Senate. And that's... that's only a question I could ask the Sponsor in the Senate, but at this point I could not answer that question. I do know that it passed our committee 12-0 and under the situation in Illinois right now, where we have so many problems with dog fighting and folks getting mauled, it's very important to bring to the Body's attention that under supervision with probation, once it's completed it can be erased from your record and then you're fine. But then that person may go on to create a more egregious type of heinous crime and we wanna be able to look at their background and see where this stemmed from. And this type of Bill will allow us to see them from that perspective. What happened in the other chamber I couldn't answer. I could find out for you later..."

Parke: "Well, it's..."

Delgado: "...but I would not wanna hold it up..."

Parke: "Well, it's a..."

Delgado: "...for that purpose."

Parke: "...it would be after the fact. I just want the Body to understand that there are some people that have a problem with this and I'd like to know what the problem is. 'Cause

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on the face of it, it doesn't sound like it's a bad idea. But since we don't have an answer, I guess we'll just proceed. Thank you, Mr. Speaker."

Speaker Novak: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 387 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Eddy. Mr. Os... Mr. Stephens. Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 5 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 387 is hereby declared passed. Mr. Delgado, do you wish to call Senate Bill 262? Excuse me, 263. Do you wish to call Senate Bill 263? Out of the record. Senate Bill 402, the Gentleman from Lake, Mr. Mathias. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 402, a Bill for an Act concerning health care facilities. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Senate Bill 402 amends the Hospital Licensing Act to provide that a... if a hospital facility closes for any reason the facility must notify the Department of Public Health where the patient records are stored or transferred. We've had similar legislation dealing with medical groups because of an incident that happened up in the northwest suburbs, where a group closed their practice and the patients couldn't retrieve their

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records. This Bill will apply and help those patients to get their hospital records. And I ask for an 'aye' vote. Thank you."

Speaker Novak: "Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 402 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 402 is hereby declared passed. Senate Bill 406, the Lady from Cook, Representative Mulligan. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 406, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. This Bill clarifies that a victim who initially consents to sexual conduct or sexual penetration is not deemed to have consented to any sexual conduct or sexual penetration that occurs after the victim withdraws consent. It changes the Criminal Code."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 406 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0

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voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 406 is hereby declared passed. Senate Bill 423, the Gentleman from Cook, Mr. McKeon. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 423, a Bill for an Act in relation to the expungement and sealing of arrest and court records. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. Senate Bill 423 deals with the expungement or sealing of criminal records for a first time offender. It lays out provisions that the Appellate Defenders Office will provide information of how those records can be sealed and guidelines to the arresting authority, the county clerk and others regarding how these records will be handled and under what circumstances that these records can be unsealed and returned to the records of the... the criminal court or the Department of Corrections. I'll gladly answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Cook, Representative Howard."

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

Speaker Novak: "Sponsor yields."

Howard: "Representative McKeon, does this Bill call for persons who have expugnable offenses being able to get information regarding how they can be expunged?"

McKeon: "Could you repeat the question? There's so much noise back here it's hard to hear."

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Speaker Novak: "Could we have a little order, Ladies and Gentlemen. Thank you."

Howard: "My question is, is this... does this Bill provide for an individual who has an expugnable offense to get that information regarding how it can be expunged?"

McKeon: "Only if a similar offense is committed by the offender, there could be a request to unseal that record. It's not very likely if the record is sealed that the authorities would know about it, but there is a provision that the Department of Corrections and/or the police could have that record unsealed only for the purposes of sentencing for a similar offense."

Howard: "Does the Illinois Appellate Defender have any part to play in this Bill?"

McKeon: "I can't understand your question, there's just too much... entirely too much noise in the chamber. Could we... Mr. Speaker..."

Speaker Novak: "Ladies and Gentlemen..."

McKeon: "...could you ask Members..."

Speaker Novak: "Ladies and..."

McKeon: "...of the chamber to take their private..."

Speaker Novak: "I will..."

McKeon: "...conversations some..."

Speaker Novak: "Ladies and Gentlemen, could we..."

McKeon: "...where else in the chamber?"

Speaker Novak: "...have some order in the chambers, please. This is an important Bill. Proceed."

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Howard: "Representative McKeon, does the Illinois Appellate Defenders Office have anything to do with this Bill?"

McKeon: "The Illinois Appellate Defenders Office..."

Howard: "Yes."

McKeon: "...is directed to maintain a program or develop a program, which they are exist... they have existing funds for, to disseminate information to those persons who may be eligible to have a record expunged. In addition, to maintain a database of pro bono attorneys that will volunteer in selected areas to take these cases as a part of their pro bono commitment to their... to the State Bar."

Howard: "Sounds great. I certainly believe that this is something that is necessary. I had a similar Bill last year and while it went out of the House with probably every vote that I could get, it did not do well in the Senate. So, I'm happy that now it is coming back. This will certainly help persons who have already expugnable offenses, get them expunged, get them information, get them assistance from attorneys who will give them pro bono services. I appreciate the fact that you've done this. I guess I'm already a Sponsor. Thank you."

McKeon: "Ms..."

Speaker Novak: "Thank you. Fur... Excuse me, Mr. McK..."

McKeon: "Mr. Speaker, I'd like to share with the... my colleague that this passed the Senate by a vote of 52 votes."

Speaker Novak: "Thank you, Mr. McKeon. Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Representative, the Appellate Defenders have indicated this would be about a hundred and seventy-five thousand dollars a year if fully implemented. Do you feel that that is a fairly accurate dollar amount?"

McKeon: "Yes, Representative. And I think also with new tools that are used on a widespread basis, Internet, as well as printing services and dissemination through the count... the respective county clerks, I think this is something that we can handle within that budget. And also the fact that, ya know, they already have a pro bono lawyer database available and it's merely adding another type of case that lawyers to do their pro bono service, which they commit to the State Bar, can pick up these cases and... and work on them. They're relatively simple cases if all the criteria are met."

Black: "What... what will trigger the expungement proceeding, a motion by a defendant or defendant's attorney or will it be done automatically in case a court reverses a conviction?"

McKeon: "There must be, unlike other Bills that have presented for this Body, clear and convincing evidence that the offender did not in fact commit the crime. In other words, this doesn't apply to someone that because of a technical loophole or one person on a jury acquitted the defendant. There must be clear and convincing evidence before the



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trial court that this person was in fact innocent, did not in fact commit that crime."

Black: "All right. That... that is the... that is... you've just illuminated my concern with this Bill. That is a complete change from current case law. As I understand it, current case law says, and let me quote from our analysis, 'a finding of 'not guilty' or exoneration under current case law is not a finding of innocence.' But this Bill creates a new cause of action, saying that the Supreme Court could then ignore case law and find a person innocent by a clear and convincing preponderance of evidence."

McKeon: "Presented in an appropriate tribunal. In other words, the judge upon motion or the judge's own initiative declares that there is clear and convincing evidence that this defendant did not in fact commit the crime in question."

Black: "But that... that leaves open the question that the person may have been involved in the crime, may have had a minor role, a major role. My fear, Representative, is that when you change decades of case law, I'm a little surprised we haven't heard from prosecutors more than we have on this Bill, because it is a... it is a subs... a substantial change in current practice."

McKeon: "Let me disagree in part with you."

Black: "Okay."

McKeon: "If someone is charged for aiding and abetting or assisting or attempting to hide the offender after the fact that's involvement, but this Bill says clear and convincing

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evidence presented to the appropriate triblu... tribunal that the defendant is in fact not guilty of the offense charged. That is a very different situation than... than I think what you described."

Black: "So you may in fact not be declaring the person completely innocent of the crime, but a statement saying that they are not guilty of the crime as charged."

McKeon: "That's not what... what I'm saying."

Black: "Okay."

McKeon: "There is clear and convincing evidence that the client was uninvolved, had no involvement in the crime at all. This would be where you would have a case dismissed, but there... the judge must make a finding upon the motion or the judge's own initiative. This person was not involved. And under those cir... and that's demonstrated by factual evidence produced in the court that this particular individual is innocent because in fact it was proven that he did not or she did not commit the crime as charged. That's very different than having it dismissed for, ya know, a lack of evidence..."

Black: "Right."

McKeon: "...a technicality, we couldn't prove it."

Black: "But..."

McKeon: "There is a burden of proof here that's a very high standard."

Black: "Am I wrong in assuming that this... this is a considerable change in case law. Where case law says you

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may be exonerated, but that does not necessarily mean you are completely innocent of the crime."

McKeon: "In this Bill, the tribunal has determined that the person is completely innocent of the crime and then that record may be expunged. This is a different..."

Black: "All right."

McKeon: "...standard of proof."

Black: "Yeah. And thi... I was the only 'no' vote on a very similar Bill last year. And the 'no' vote was based on my understanding of what is current case law, vis-à-vis what clear and convincing evidence may be. It wouldn't be the first time I've been wrong that's for sure, but... and maybe I am because I've not heard from... from any state's attorneys, I've not heard from any law enforcement officials. But it just seems to me I have a reluctance to change case law by the action of the General Assembly, because case law has developed, as you know in our system, over a period of decades and decades and decades and when the General Assembly decides maybe to micromanage what has in fact been case law, I've always thought that that could have a very chilling effect on the law enforcement community and the prosecutorial community. But evidently, I'm... evidently, I'm not seeing something that's in here."

McKeon: "Sure, sure."

Black: "I'm seeing something that may not be there, but it certainly seems to be there when I... when I read it."

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McKeon: "Well, ya know, I agree with you that this is fundamentally different from. But I think you recall, neither one of us are attorneys, both of us..."

Black: "We often play one on the House Floor."

McKeon: "Right. We avoided that issue. Some people say we had better judgment, but that's all right. But, ya know, when a case law is founded or developed it's because an Appellate Court or the Supreme Court of the State of Illinois or a higher court has looked at the letter, the printing of the law created by this Legislature or others and if it's clear to the judge or the Appell... the Appellate Court rather, then they will find in favor of the law and that establishes case law or case precedence, stare decisis, as the lawyers refer to it. If that is not clear, if the written word is not clear, then it's the intent of the Legislature and that's why we're having this discussion on the record, so that it would be clear to an Appellate Court what our intent was. Otherwise, if that is not clear there is no legislative intent that can be determined by the court, then they have to go to other previous case law, previous decisions in the court's general interpretation of those cases and the State Constitution. So what we're doing here is we're playing our role, Representative Black, in that whole process of how case law is developed. This is an action of the Legislature stating this is how we think the law ought to apply under these circumstances. Yes, that modifies case law, but that's the whole process..."

Black: "Okay."

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McKeon: "...that we engage in as... as Members of the legislative Body."

Black: "Then help me focus on, again relying on staff, who calls this an automatic expungement. It isn't automatic..."

McKeon: "It can hap..."

Black: "...as I read this."

McKeon: "It's automatic if the tribunal, the judge, makes a declaration in court that based on evidence the defendant is in fact innocent, did... was not involved in any way. That's a finding by the court. And it is automatic if the court makes that finding. It is not necessarily automatic, there maybe have no motion come back and have the court consider whether those..."

Black: "Okay."

McKeon: "...that factual basis does exist."

Black: "In... in one of the, let's just take one of the 13 unfortunate cases where they were on death row and were in fact exonerated by new technology, DNA. Those people who were on death row and are now obviously out and innocent of the crime, would they have to go through this process or does their release expunge their record?"

McKeon: "They could certainly apply under this process. I can't answer the second half of your question."

Black: "Okay. All right. I... Representative, as always you give straightforward answers to questions. I continue to wrestle with what this Bill does and doesn't do. I... I tend to think you're more on target than I am, but there's just something in the pit of my stomach that tells me I just

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have a problem in trying to change case law. And, ya know, usually by now we'd have 12 attorneys telling us what's good and bad about this Bill and this discussion may be just between you and me, which..."

McKeon: "I think we get a pretty good..."

Black: "...which is fine."

McKeon: "...we get a pretty good mix here, Representative Black..."

Black: "There we go. All right."

McKeon: "...let's keep it going here."

Black: "Thank you. As always you give straightforward answers and I appreciate that."

McKeon: "And I.. I appreciate your questions and.. and respect that you will vote as your conscience dictates, as you always do. Thank you."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Davis. Monique Davis."

Davis, M.: "Will the Sponsor yield?"

Speaker Novak: "Sponsor yields."

Davis, M.: "Representative, when a person is considered innocent of a crime and his record is being expunged are there any funds forthcoming from the Court of Claims?"

McKeon: "These... these funds for this program and it's, ya know, again with Representative Black, this is not that they found... been found innocent, that there was a reasonable doubt. This is a finding of fact by the tribunal that the person in fact did not, was not involved in this crime under any circumstance. And under Representative Black's reference to those people on death row where DNA proved..."

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Davis, M.: "Representative..."

McKeon: "...that they were in fact innocent, now there are funds provided for this currently to the Appellate Defender."

Davis, M.: "Isn't it peculiar though that they must go before a court to get their record expunged?"

McKeon: "This can be automatic if in the tribunal the judge declares that in fact..."

Davis, M.: "So, does the person have to apply before it is implemented?"

McKeon: "That's right."

Davis, M.: "The person does have to apply?"

McKeon: "Well, no. The judge can order it if the judge in fact during the case..."

Davis, M.: "To the Bill, Mr. Speaker. Thank you very much."

Speaker Novak: "To the Bill."

Davis, M.: "To the Bill. Ya know, we've had many people declared innocent of crimes after spending many years in prison and yet the records have not been expunged and yet the funds from the Court of Claims have not seen its way to those victims. And these people become victims when they spend time in jail or in prison for crimes they did not commit, it's proven by the court they didn't commit it, they're not involved and yet we find their records are not expunged. So, when applying for positions and for jobs or licenses, they're still treated as if they had been... they are still guilty of the crime for which they served time. This Bill's time has come. I commend you. I commend you very much, Representative McKeon, for putting this Bill

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before us today, giving us an opportunity to do what should have been done automatically with the release of those prisoners. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Lake, Mr. Washington. Mr. Washington."

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

Speaker Novak: "Sponsor yields."

Washington: "Thank you. Representative McKeon, in your legislation when a person is... is absolutely found 'not guilty' and... and the supposed case is expunged, do you have a timeline of how much time the court system has after a judge has ordered a total expungement that a person can, like Representative Monique Davis was saying, where they can actually know that there is no recorded record on file that would keep them from doing anything?"

McKeon: "Representative, as I stated before on several occasions, this is a situation where a tribunal, a judge, based on facts presented before the court that the defendant did not in fact commit the crime. It does not mean he was found 'not guilty' by a jury. It means that the presiding... the judge presiding at that tribunal, wherever it's at, in the Appellate Court, Supreme Court, Circuit Court, has made a declaration in fact this person did not commit the crime. It is very different than a finding that the person is 'not guilty', that person could be not guilty because they didn't have adequate evidence or many other reasons or the jury could not agree. So, there's a fundamental distinction in this Bill, there's a



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finding of fact by the tribunal. There are no time limits, it could happen during the trial, it could happen after the trial, as in the case of the death row inmates that the previous speaker was talking about. Does that explain your question?"

Washington: "Yes, it does, Representative. And the reason I bring it up is because I know of one individual personally that got into the system, they didn't do anything wrong, it's kind of closely aligned to identity theft where someone takes someone's identity and before you know it someone comes up in the system that's really them, but they didn't do the act. And at the same time, it seem like there's such a drag in the time of finding one innocent and the time of one being taking out of the files of the system that it can hinder not only job opportunity, but if one was to go into a profession it also hinders one going to law school, medical school, what have you. That's why I raised the question, because your Bill in essence is the cousin to my colleague and your colleague, Representative Howard's, attempt to deal with expungement. That's why I asked you in the research of your Bill had it been anything that would say that there would be a timeline, that one could walk out in confidence and know that if they didn't do anything that nothing would ever come up to say that they did. To the Bill, Mr. Speaker."

Speaker Novak: "To the Bill."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, I just wanna go on record as saying that I think this as any legislation

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that release... relates to expungement is important because I know in my district I know quite a few victims who have went through the system falsely accused, falsely charged, but at the same they paid that pound of flesh. And I wanna commend the colleague McKeon, Howard, and those who are associated with this Bill, on a very timely Bill. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Mr. Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in very strong support of this Bill for Senate Bill 423. And for those of you who are concerned about the funding mechanism for this, we have on Thursday morning we will be voting out of my committee, appropriation of public safety, we will vote out a hundred and fifty-seven thousand to appropriate for funding for this Bill for the Appellate Defender Office. So, I... I... I strongly advise that we put 'green' votes on Senate Bill 423. Thank you."

Speaker Novak: "Thank you, Mr. Morrow. Further discussion? The Gentleman from Winnebago, Representative Sacia."

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

Speaker Novak: "Sponsor yields."

Sacia: "First of all, Ladies and Gentlemen of the House, I have a great deal of respect for the Sponsor, he has a long history in law enforcement and he certainly understands Bills well. We've heard several colleagues today argue about those that have been innocent and have found

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themselves ultimately in the system. There's another side to this equation. Let's say that someone is involved in an armed robbery, we'll use an armed robbery as an example, and due to a technicality the individual gets off, perhaps it was due to improperly reading Miranda or another issue. And say that happens a second time, that is not uncommon, I've spoken with several colleagues that have referred to three and four times where that has happened when there is little doubt that the person is guilty of the crime, but due to a technicality he or she walks. I think the thought process behind this Bill is good, but let's say that we have another armed robbery and because this Bill had become law the individual who was involved in the crime has been found innocent and I choose to make my comment known that there's a huge difference between innocence and 'not guilty'. I think O. J. Simpson has proven that. And that's what we're looking at with this Bill. If I could just make a comment from our analysis. This new standard allows the court to make a finding as to one's leveled degree of exoneration. This new standard is a departure from historic case law that distinguishes between a finding of 'not guilty' and a finding of 'innocence'. This case law is explicit in finding of 'not guilty' or exoneration is not a finding of 'innocence'. This departure may, and I stress may, have a long-term erosive effect on the criminal justice process if the Legislature decides it wants to micromanage everything. Additionally, there may be a chilling effect on future prosecution of crime. So, I'd

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just like that to be brought to the attention of all of our colleagues. Again, I have profound respect for the Sponsor and I would just like to ask him if he'd make a comment or two about that, as far as 'innocence' and 'not guilty'."

McKeon: "Representative... Representative, as I've mentioned at least three times, if not four times in our discussion, your case... your example would not apply. This law would have no impact on any of the examples that you demonstrated. And being a former police officer as you were an FBI agent, we know of those cases. This is more like the case that I had where I arrested a 16-year-old for auto theft on the inappropriate eyewitness testimony and about a year later I found from some other folks who the actual person was. And the person that I arrested went to Juvenile Court and there was a finding of guilt, had absolutely nothing to do with the case, was not there, was not guilty. It was a finding of fact that this by a judge on reviewing the case or during trial that this person was not involved in any way. Now, if that's what your analysis says is innocence then they're equivalent. Now, I find personally, based on our analysis, I think the staff person, obviously a lawyer who wrote that analysis, is wrong. And I think as they gain experience in the criminal court and in criminal law and working with these kinds of cases, as you and I have, that there's a fundamental distinction here. Your example does not apply and personally, I believe the analysis on your side of the aisle is not accurate or correct."

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Sacia: "I... just... just a closing comment, Representative. I... you say the example I used does not apply. I struggle with that, because I think it does apply if a person is found innocent but yet there is certainly reason among the law enforcement community to believe that he or she was responsible. I struggle with seeing, ya know, if they were found 'not guilty' or 'innocent' as your legislation provides for, then we would never know, we would never know that that person had been at the scene of that crime, because the person would be totally exonerated. Am I correct in that statement?"

McKeon: "Well, I appreciate your input, I don't think that I would agree with you totally."

Sacia: "Okay. Thank you."

McKeon: "We have different experiences and different outcomes..."

Sacia: "I appreciate that, Larry."

McKeon: "...and we can arrive at different places."

Sacia: "Thank you, Sir."

Speaker Novak: "Further discussion? The Gentleman from Lake, Mr. Mathias."

Mathias: "Will the Sponsor yield?"

Speaker Novak: "Sponsor yields."

Mathias: "Thank you. Representative McKeon, under present law today... under present law today, if someone is arrested for a felony, goes to trial and may in fact have committed the crime, but for whatever technicality that happens at trial, is acquitted. Is he able today... under today's law to get his record expunged?"

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McKeon: "I think now, Representative Mathias, respectfully for the fifth time, I'm gonna say, your example is not applicable to this law."

Mathias: "I... I... I know, but I..."

McKeon: "This law does... has nothing..."

Mathias: "I understand that, I'm asking you a..."

McKeon: "Your law has nothing to do with that."

Mathias: "No, I understand that. I'm asking you different question, though. If today, if that... if a person is found 'not guilty' at trial, is he able to get his record expunged?"

McKeon: "Not under this law."

Mathias: "Pardon me?"

McKeon: "Not under this law."

Mathias: "Well, under existing law today?"

McKeon: "There may be some procedure that I'm not aware of, a first-time offender, but in the Bill I'm presenting to you today, that situation would not apply."

Mathias: "Under the Bill that you're presenting today, if the person that is attempting to have his record expunged based on the circumstances that you outlined, if he had a prior record would he still be able to have his record... this case expunged?"

McKeon: "No."

Mathias: "Is that written into the Bill?"

McKeon: "Yes."

Mathias: "Can you show me where?"

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McKeon: "Representative, let me clarify my response to you.  
Even if this person had a prior record..."

Mathias: "Pardon me?"

McKeon: "Even if this person as you suggest had a prior record,  
but in the instant case the tribunal has determined, the  
judge, not the jury, the judge has determined by clear and  
convincing evidence that this defendant in no way was  
involved, assisted, or participated in that activity and  
that he has been wrongfully charged. That happens on  
occasion in court. It's happened in cases that I've worked  
on where I'd go back a year later and clean it up, because  
I determined that someone I arrested was subsequently  
processed in the court, had nothing to do with the crime,  
was not even there."

Mathias: "But here's... I understand what you're saying... Right."

McKeon: "Those are the cases that apply. There's a fundamental  
difference between... this has nothing to do with being found  
'not guilty', but..."

Mathias: "But let me go a little step further, under existing  
law today, if you got to trial and you're found 'not  
guilty' you can have your record expunged."

McKeon: "I believe there are provisions, but this Bill has no..."

Mathias: "I understand that..."

McKeon: "...relation to that."

Mathias: "...but let me finish. But under present law, today,  
you can only have your record expunged if you have no prior  
convictions, even if you're found 'not guilty'. This Bill  
doesn't address that. It addresses only someone who is

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convicted and that conviction was overturned. Is that correct?"

McKeon: "Representative, for the sixth time, that does not apply to this Bill."

Mathias: "So it doesn't apply to people who are..."

McKeon: "A person under this Bill..."

Mathias: "...don't they have to be convicted under your Bill first?"

McKeon: ".....has nothing to do with someone who is found 'not guilty' because..."

Mathias: "No, no, no."

McKeon: "...of a technicality."

Mathias: "I'm saying under your Bill, someone has to be convicted under your Bill before this process starts. Right?"

McKeon: "Not necessarily. During the trial if the judge determines by clear and convincing evidence, the judge may rule as he dismisses that charge against that particular individual that his record..."

Mathias: "But that's not what the Bill says."

McKeon: "...shall be expunged."

Mathias: "That's not the language says here. The language says, 'if a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the defendant was factually innocent of the charge, the court shall enter an expungement order.' So, the con... the conditions for this to happen has to either have a conviction being set aside



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on a direct review or a conviction being set aside on a collateral attack. That's what your Bill says. It doesn't say, during the trial if the judge finds him 'not guilty' and then he also determines he's innocent, he can have it expunged. He has to be convicted first. This is an appellate procedure. Well, then I'm just reading... unless I'm reading the Bill wrong. Could you..."

McKeon: "I believe you are, Sir."

Mathias: "Okay. Could you tell me what your Bill... the actual language of your Bill says?"

McKeon: "Excuse me, Representative Mathias."

Mathias: "This is (c-6). Is that correct?"

McKeon: "(c-6). Let me read it again, 'if a conviction has been set aside on direct review', that's by the tribunal..."

Mathias: "That means... direct review means an appellate process."

McKeon: "Not necessarily."

Mathias: "Well, you can't have a conviction... you have to have a conviction first. You can't have a... you have to a conviction..."

McKeon: "Right."

Mathias: "...in a lower court..."

McKeon: "Well..."

Mathias: "...direct review and..."

McKeon: "Right."

Mathias: "...review means an appellate process."

McKeon: "Right. You're... in this section, I believe that you're correct. There's another provision here, where in the

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original trial court if there is a finding of fact, that expungement could be ruled as automatic by the judge."

Mathias: "Is that in a different section?"

McKeon: "It's a different section. The important part of this Bill, Representative Mathias, is that the State Appellate Defender's Office is going to work to inform people where these circumstances have occurred. And there was a finding of fact in court that... that these arrests... the record of arrest at the local police station and the county clerk can be expunged, erased from the system when those, ya know, fairly high standard has been met. And you're correct. I apologize, Representative, that Section (c-6) is post conviction."

Mathias: "But the o... the only other section I see another Section (b) here that also talks about when a conviction of the sentence has been set aside on review. I don't think this applies in an original trial."

McKeon: "Representative, in one of the Amendments to the Bill the term 'or sentence' has been deleted, so it states if a conviction has been set aside on direct review."

Mathias: "Direct review means an appellate process."

McKeon: "During the process, the criminal..."

Mathias: "Pardon me?"

McKeon: "During a judicial process."

Mathias: "Well, but when you say review, review means an appellate... a direct review means by an Appellate Court reviewing the Trial Court."

McKeon: "Yes, that's correct.'

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Mathias: "I'm still trying to make the point."

McKeon: "I think you're... you've made your point, Sir. I concur with you."

Mathias: "Thank you very much."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 423 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Bost. Mr. Clerk, take the record. There are 90... On this question, there are 94 voting 'yes', 22 voting 'no', 2 voting 'present'. And having received the required Constitutional Majority, Senate Bill 423 is hereby declared passed. On page 10 of the Calendar there is Senate Bill 880, the Lady from Cook, Representative Feigenholtz. Ladies and Gentlemen, this Bill is on Standard Debate. Standard Debate. Each individual will be allotted five minutes speaking time. Rep... Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 880, a Bill for an Act in relation to hypodermic syringes and needles. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 880 is a Bill that this chamber has seen before. We passed this Bill out of here in April of 2000. It is a Bill that is supported by virtually every public health organization in this country and in the State of Illinois it is supported by the Illinois Department of

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Public Health and its new director, the Illinois State Police, the Illinois State Medical Society, and I could go on and on and I'm sure that I will be asked questions about it and I can elaborate on it later in the debate. The Bill essentially is a Bill to prevent the transmission of HIV/AIDS. And what it does is allows persons 18 and older to purchase sterile syringes without a prescription. I want everyone to know that Illinois is on... is one of five states that remain in this country that require a prescription to purchase sterile syringes. In states that have never had prescription mandates or have repealed their requirement from prescriptions there has been a dramatic drop in needle sharing in those states and a direct drop in the transmission of HIV/AIDS. Ladies and Gentlemen, I sit on the Human Services Committee, I chair the Appropriations-Human Services Committee and for nine years since I have been here I have heard everybody's struggle about how we can help prevent the transmission of HIV/AIDS, how can we help limit and stem the spread of HIV/AIDS and I will tell you that every public health official in the State of Illinois that, although this may be a somewhat difficult vote, will tell you that this is one in many steps that we can do to stem the spread of HIV in the state. I would be glad to answer any questions."

Speaker Novak: "Thank you, Representative. The Chair needs to correct itself. This Bill is on Unlimited Debate. Every responder will be allowed five minutes. The Gentleman from Fayette, Representative Stephens."

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Stephens: "Well, thank you, Mr. Speaker. I wonder the Lady will yield for just a couple of questions."

Speaker Novak: "The Lady will yield."

Stephens: "Representative, you and I have talked about this Bill for a long time and I believe what it says today is that a prescription is needed but they don't need a... excuse me, they need to buy syringes but they don't necessarily have to be made a prescription. Is that right?"

Feigenholtz: "I... Ron, can you repeat the question? I'm having a tough time understanding you."

Stephens: "Hold on, one second. I'll just speak... speak to the Bill. The... I've known the Representative for several years now and we... I think we stand on opposition on this Bill more because of my position and certainly not hers. She... she is a proponent of an issue that I feel very closely about and indeed I have, I guess as close that I can come to her Bill would describe it... it affected my family. There's nothing tougher to do than to tou... to reach out to a member of your family and tell them that you're supporting a Bill that it makes it harder for them to get needles. It... what we do know, Mr. Speaker, is that drug addicts will do a lot of things to find a way to pay for their paraphernalia but if they have the choice of leaving the pharmacy and going out and using that needle again, I think you'd be surprised at the number who will certainly spend their money on the street. Right now, they're a dollar piece on the streets in the City of Chicago and then any more money they have they're gonna use that to buy

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drugs. I think the Representative is right-minded in that she has an issue that needs to be dealt with. I believe that I am right-minded in making sure that their very last dollar, if they have any money left, is going for anything but needles and anything but the narcotics that they use to inject themselves. So, I hope that my vo... my friends on each side of the aisle will understand that this bizzle... this Bill is anything but simple, but it comes down to, are you gonna make their life easier on drugs or harder on drugs. That's the way I feel about it. If you wanna make them avail... available the... we need to understand that they'll take their last ten dollars if they needed ten needles and they would purchase those needles. It would take any, any amount of imagination, but even if they have the money it doesn't matter, they're still going to take the track that gets 'em the drugs that they want. So, I... I wanted to congratulate once more time, Representative, you've done a great job on this Bill, it's gonna blow out of here. And I respectfully ask for a 'no' vote."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Davis, Monique Davis. Representative Davis."

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

Speaker Novak: "Sponsor yields."

Davis, M.: "Representative, where is the police department on this Bill?"

Feigenholtz: "Representative, I've been notified that the Illinois State Police are supporting this Bill."

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Davis, M.: "Well, I spoke to some police chiefs about this Bill and one of their main concerns is, as they search a vehicle they already must be very careful not to get pricked with a needle, but allowing 18 year olds, or those who purport to be, to purchase 20 needles, these needles can be found anyplace. Another point I need to make, Representative, is it is so important when we have little children like the little baby of Linda Chapa LaVia running up and down the aisle on the floor, that baby should not be at the risk... she should not be at the risk of picking up a used needle filled with blood products. Mr. Speaker. The disposal of these needles, Representative, will be different than the disposal if these needles were used in a hospital. Is that correct?"

Feigenholtz: "I'm sorry, Representative Davis, I'm not sure I know what your question was. Could you please just..."

Davis, M.: "All right, let me make it real clear. Hospitals have to dispose of used needles by putting them in a special container. Hospitals cannot just throw used needles in the garbage, because hospitals don't want to contaminate the public with whatever else may be in that needle. My question is, are there special disposable containers in the area where these needles will be sold or are there special disposable containers where these needle will be used?"

Feigenholtz: "Representative, if you read the Bill you will see that the Bill contains language directing the Illinois Department of Public Health to develop guidelines on syringe disposal for local health departments that will

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ensure that every community has local control and local standards to deal with the issue of disposal. I want you to know that the sharps containers that you are talking about that are used in hospitals are... are going to be incorporated in likely what the Department of Public Health puts forth as guidelines. But I also want to assure you that in the 45 states that have no requirement for sterile prescriptions there is not an epidemic of syringes being thrown on the ground."

Davis, M.: "Mr. Speaker, most of the states that have a needle exchange or needle purchase Bill also have a counseling component. Those states have a counseling component that requires or mandates addicts who are buying needles or getting them free must go before a counselor. And as far as the pharmacy distributing a printed pamphlet on how to dispose of the needles, I'm not sure a drug addict would be too interested in reading, how interested would a drug addict be in reading how he or she must dispose of this needle after they have used it to get high. Now, I am very concerned when the rest of the public is going to be put at risk, we're gonna put at risk the majority of the public purportedly to save a few. Condom protection is really the best method to prevent the transmission of AIDS to those who are the highest increasing group who is contracting this disease. Why do we not want needles sold by those who can go to a pharmacist in Illinois, because it's drug paraphernalia and drug paraphernalia is against the law in the State of Illinois. Protect our babies, protect our



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police officers, protect our children going back and forth to school, protect our pets, your little pup..."

Speaker Novak: "Representative, could you bring your remarks to a close, please."

Davis, M.: "With all due respect to the Sponsor and I'm very sorry I have to adamantly oppose this Bill. Protect our citizens in Illinois and vote 'no'."

Speaker Novak: "Thank you. Further discussion? The Lady from Cook, Representative Flowers."

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

Speaker Novak: "Lady yields."

Flowers: "Representative, may I ask you a question? Have we legalized drugs in this state?"

Feigenholtz: "No, we have not."

Flowers: "Have we legalized marijuana? Have we legalized heroin? Have we legalized methamphetamine? Have we legalized those drugs in this state?"

Feigenholtz: "No, we have not."

Flowers: "This Bill specifically call for needles for anyone who is 18 and older to be able to go to the drug store and purchase them for the purpose of injecting an illegal drug. Am I correct about that, Representative?"

Feigenholtz: "No."

Flowers: "Representative, right now, the law requires that anyone who have a medical condition can get needles. This Bill specifically address anyone being 18 can go to the pharmacist and purchase needle. Am I... needles. Am I correct about that, Representative?"

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Feigenholtz: "Like 45 other states..."

Flowers: "Representative, would you please..."

Feigenholtz: "...this Bill removes..."

Flowers: "...my time is limited. Would you please answer 'yes' or 'no'."

Feigenholtz: "This Bill removes, like 45 other states, removes the need to have a prescription to purchase sterile syringes for people with diabetes, for people who are injecting fertility treatments..."

Flowers: "Representative..."

Feigenholtz: "...and for all those people..."

Flowers: "...those people can now get those needles. My ques..."

Feigenholtz: "Only with a prescription, Representative."

Flowers: "With a prescription. So therefore, why would anyone who don't have those conditions, why would they have to... or why would they have a need for needles? But let me just ask another question, Representative. Your Bill... your Bill call for the Department of Public Health to set forth legislation for the sole purpose... the Department of Public Health must develop educational material regarding safer injection of heroin. Representative, your Bill calls for the Department of Public Health to put forth information for the safer injection of heroin. Am I correct about that?"

Feigenholtz: "I think it states safer injection, Representative."

Flowers: "Safer injection of what?"

Feigenholtz: "Just safer injection, Representative."

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Flowers: "Representative, I would like for you to read that section, because I believe what you... Representative, it says, 'safer injection' of..."

Feigenholtz: "Yeah right, it..."

Flowers: "Safer injection."

Feigenholtz: "You've been... you're talking about heroin."

Flowers: "Yeah."

Feigenholtz: "It does talk about..."

Flowers: "Okay."

Feigenholtz: "...just safer injection..."

Flowers: "So, safer injection of what? What would the... what would the pamphlet have to talk about, safer injection of what?"

Feigenholtz: "To be honest with you, Representative Flowers, I have yet to see exactly the materials that the Department of Public Health is gonna put forth for this."

Flowers: "No, you... this Bill... you put this forward. So you said that the Department of Public Health needs to put together material regarding safer injection. And then you go and..."

Feigenholtz: "And that is correct, that's exactly what the Bill says."

Flowers: "And we wanna have them to put together safer injection and heroin prevention but yet we're gonna make it easier for a heroin addict to inject the heroin. Let me just ask you this, Representative. Are you familiar with the needle stick federal legislation?"

Feigenholtz: "The what?"

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Flowers: "The needle stick federal... the safe needle legislation of 2000."

Feigenholtz: "No, I am not, Representative."

Flowers: "Okay. Representative, I want you to know that needles are so dangerous and it has caused a many of deaths and it has caused a many of people to be infected with the AIDS and other viruses, such as syphilis, gonorrhea, hepatitis B..."

Speaker Novak: "Representative, please bring your remarks to a close."

Flowers: "Speaker, Speaker. Okay."

Speaker Novak: "Please."

Flowers: "And also, Representative, I need for you to understand that everybody know the importance of the safety needle stick prevention and I need for you to also know that Abbott Laboratory knows that the needle stick is very deadly because in March of... March 27 of 2003, Abbott Laboratories has... will no longer manufacture needles because too many people have contacted all kinds of blood-borne diseases. And to the Bill, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Novak: "To the Bill. Please bring your remarks to a close."

Flowers: "I need for you to understand... I need for you to... Mr. Speaker, I need for the peo... This is a very important piece of legislation."

Speaker Novak: "Everybody's allotted five minutes, bring your remarks to a close, please."

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Flowers: "Thank... thank you, Mr. Speaker. But this is a... I need for everyone to understand that this can be used, needles can be used as a deadly weapon. That's the reason why Abbott Laboratory is no longer going to manufacture needles. I also need for you to understand that in the wom... in the bathroom we have to dispose of our needles in a container like this. If it's necessary that we dispose of needles in a container like this, what about our children? Why are we asking irresponsible people to do something responsible and we're not giving them the tool to do it with? We consider ourselves responsible in the bathroom. In each one of our bathroom, needles must be disposed of because it is hazardous, it is dangerous. And I beg you, Ladies and Gentlemen, for the children of this state, for the senior citizens of this state, please vote 'no' for this hideous Bill because there's towns, your municipalities are gonna have to pay for the cleanup of this legislation. And I want to refer you to last Sunday's Tribune when the... when the police captains of those towns are begging for help because methamphetamine and heroin is totally out of control throughout this state and we're gonna make it easier, easier for irresponsible people to do something? But let me say this, if we want to help these people, if we want to eliminate the transmission of AIDS, what we can do is to give them metham... we can give them metha... methadone and that will help crave... the need that they have for heroin and therefore, that's legal and they don't have to worry about using the needles and

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transferring the needles or dropping the needles on the ground. The responsible thing would be to ask the Governor to give more monies for drug prevention."

Speaker Novak: "Representative, please, bring your remarks to a close. You've gone two minutes over your allotted time."

Flowers: "Thank you. Thank you very much, Mr. Speaker. This is a very important Bill and I'm speaking for the children, I'm speaking for the senior citizens and I'm speaking for the mother. And I urge everyone to vote 'no' on this legislation."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I had told the group I wouldn't speak on this Bill, but after some of the things I've heard I feel compelled to stand and ask if the Sponsor will yield?"

Speaker Novak: "Sponsor yields."

Black: "Representative, you alluded some time ago that the State Police is in favor of this Bill, that's not my understanding."

Feigenholtz: "Well, that... that is what I was told this very week, Representative Black, by another proponent of this Bill who I'll share the name with you later, a very reputable person who's been an advocate of this Bill."

Black: "Was that person in the Department of State Police?"

Feigenholtz: "Spoke directly to a person..."

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Black: "All right, we just got off the phone with the State Police, two minutes ago. They are not in favor of this Bill as of April 4, they went neutral."

Feigenholtz: "I'm sorry."

Black: "But they do not support this Bill."

Feigenholtz: "All right. Well, I was told this week that they were supportive of the Bill. I will go back to my sources and double check, but I stand corrected if you are accurate, Representative Black."

Black: "Well, all I know is we just had staff get off the phone and they said they are not supportive of the Bill. They no longer actively oppose the Bill. They are neutral on the Bill, which is the first time they have not been in opposition of the Bill. Representative, this Bill has never been able to pass in the last three General Assemblies, so last year you were the House Sponsor of Senate Joint Resolution 58, that created the Commission on Medical Instruments that would recommend appropriate standards for the sale and possession of hypodermic needles and syringes. What was the outcome... was there ever a report issued as a result of Senate Joint Resolution 58?"

Feigenholtz: "Representative, I believe that when the administration changed the... the new proponents and opponents and people who were on the commission have yet to make their final report and they are waiting to convene and we are all anxiously awaiting that report."

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Black: "Well, if we're anxiously awaiting the report, why don't we take the Bill out of the record and see what their report says?"

Feigenholtz: "Because I... I'm confident, Representative Black, that most of the people at that... on that commission are going to end up making a recommendation to the General Assembly reflective of the overall feeling that this is good public policy and good for public health."

Black: "All right. So, we're going to assume that we know what the results of a commission is before we've even seen the report of the commission. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Black: "I stand in agreement with what Representative Monique Davis and Representative Mary Flowers have already said about this Bill. I have an Amendment pending to this Bill, but it's still in the Legislative Reference Bureau. I will say as I have for the last three General Assemblies, if you simply add an Amendment to this Bill, now keep in mind Ladies and Gentlemen, one year ago it was 10 needles and syringes, today it's 20 needles and syringes. All I have ever asked for is that you do an exchange program. If you bring in 20 used needles and syringes in some kind of a safety container and it can be a bleach bottle, I don't care if it's a sharps container. But if you bring in your used needles and syringes all my opposition to this Bill goes away, because I happen to agree with what the two Ladies who have spoken eloquently on this Bill say. If you establish standards for the disposal but you have no



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enforcement mechanism somebody's gonna come in and get 20 new needles and syringes. There's no enforcement. You say, what'd you do with the old ones? I disposed of them properly. Let me just tell you and I'll give you who you can check with so you make sure I'm not exaggerating. I rode one shift on a City of Danville garbage truck, the Commissioner of Public Health and Sanitation's name is Gene Davis. I rode one day with a private disposal hauler by the name of Pabst, P-A-B-S-T. I wanted to see what these people were telling me is true and it was true. We would open the garbage can lid and there would sit, in far too many homes, dozens of needles and syringes not in any container, whatsoever. That's wrong in an era where Blood-borne pathogens are ravaging the population. I'll support this Bill in a second if you just do a simple exchange program. You bring me in 20 used needles and syringes, properly packaged in anything that would meet the standards, I'll give you 20 new ones. But to just let you walk in, get 20 new ones and I'm to assume that you have properly dis..."

Speaker Novak: "Mr. Black."

Black: "I'll bring my remarks to a close. Just simply asking society to assume that someone who walks in and gets 20 needles and syringes and I support the basic intent of the Bill, but to ask us to assume that the 20 needles and syringes they got a month ago have been properly disposed of is wrong. It's bad public policy and I'm here to tell you from working on that shift on those garbage trucks they

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are not disposed of properly in far, far too many cases. Accept the Amendment for an exchange, I'll be glad to vote for the Bill."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Mr. McKeon. Mr. McKeon."

McKeon: "Thank you, Mr. Sponsor (sic-Speaker). To the Bill."

Speaker Novak: "To the Bill."

McKeon: "Let me share with some of the Members some of the research that's been done around this issue that... and which may be counter intuitive because through common sense in our own personal experience, with most of us anyway, that this is a Bill we would have great difficulty with. Certainly, in my time, as a law enforcement officer, this is not something I would support, but in terms of teaching and research in criminal justice issues, I found that what I thought was common sense was, in fact, counter intuitive and not the actual situation at hand. My district has the second largest population of IV drug users in the City of Chicago and they also have other problems, health problems, mental health and substance abuse problems. Often they're self-medicating because they could not get the medication that they needed for their mental health condition. A very good study, an excellent study of diabetics that have access and prescriptions to buy syringes for their use to protect their health from diabetes, an injection of insulin. The incidents of drug abuse, IV drug abuse, you know, among the diabetics is... was determined to be no different than the larger population, but only 3 percent of

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those diabetics because they had access to clean syringes contracted HIV and AIDS, hepatitis C and in a new strain, that's in my district and spreading rapidly throughout the country, a hepatitis that is drug resistant and responds to no treatment whatsoever. I know a number of people who use syringes and use IV drug abuse. I do a lot of volunteer work in my district at treatment centers and on the street and in the parks with homeless people and others that are fighting this, this menace. What we do know that, for instance, among the diabetic injection users, 9.8 percent versus 24.3 percent, in the population that did not have access to syringes contracted either HIV, AIDS or hepatitis C or other blood-borne diseases. The '92 study, in St. Louis, found the HIV infection rate among ID use, where State Law permits over-the-counter syringe purchasing, was only 3 percent. By contrast, the infection rate among ID (sic-IV) use in Chicago, where State Law prohibits the sale of syringes without a prescription, the H... the IVD drug use in relationship to HIV, AIDS and hepatitis C is around 30 percent. It's access to health care, access to these needs that result in and the studies have determined this, both in Chicago and St. Louis, if you have a lowering incidence over time of IV drug use because of the contact that these drug users have with health care authorities and you have an increased admission rate into treatment centers and other programs both inpatient and outpatient to attempt to deal with their drug use. This Bill, as counter intuitive as it is, is about saving lives. That may not make sense,

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common sense, to us based on our own experience, but the research is very clear. It incre... it decreases the level of IV drug use. It increases people getting into treatment programs and it significantly decreases the transmission of blood-borne pathogens that cause death to many of these people. This is about saving lives. I urge a 'yes' vote."

Speaker Novak: "Thank you. Further discussion? The Gentleman from DeKalb, Representative Wirsing. Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. I guess, I've been the hyphenated Sponsor on this Bill a couple times around and I just wanted to explain why I support this Bill. And the first reason is the fact that when working with the Sponsor of the Bill, to and at least in some minimal respect, have evolved this legislation to the level that it is now. When county health department officials call me and tell me that this Bill is really important from a pure public health perspective and my district is not located in a dense populated area that was a little surprising to me that a county health departments in what would be considered rural areas see this Bill as having a great benefit for general public health. That's the basis of the reason that I'm a hyphenated Sponsor on this Bill and believe in this legislation. We tend... It seems as though we tend to get hung up on a whole bunch of other things that really are not relative to... relevant to what this Bill does. It simply offers that opportunity. I really don't see a flood of people running in to purchase

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20 syringes if this Bill became law. But what I do see is for those people who have the ability to purchase the syringes and I think that's an important part of this Bill, will have an access that is not now available. And in that process, if it's only 10 percent of those syringes that are... that are... that would be sold under this program that prevent the transmission of some public health disease to be carried to someone else and the continuation of that, then I think it makes this Bill worthwhile. If we simply sit back and say, well, I'm afraid of voting for this Bill or I'm not sure this whole concept is good, then how do we deal with some of these major public health issues that we have that are transmitted because of the use of a syringe and needle. The side effect of the Bill is the fact that there are those people who society recognizes as legitimate uses for syringe and needle. It offers them an opportunity of access that they do not now have as well and those different areas have been mentioned. To me the basic concept of the Bill is simply to create a better scenario from a public health, pure public health perception and from that basis. And I think, if we could move forward with this, we... then we can start to deal with other aspects of this... of maybe another part of the picture relative to public health and the safety of the public in general. I would urge your support of this Bill and thank you for the opportunity to let me speak."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Lake, Mr. Washington."

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Washington: "Mr. Speaker, thank you. Does the Sponsor yield?"

Speaker Novak: "Sponsor yields."

Washington: "I just wanna go on the record to say that I think this is some good legislation, but I wanna add some things. I know it's a very emotional issue and I think the things that I've heard there's validity in both sides of the argument. But this seems to be one of those situations that if we do nothing at all it's like we increase the ranks of those who are victims of this."

Feigenholtz: "I'm sorry. Can you repeat what you're asking me?"

Washington: "No, Ma'am. I wasn't... I was makin' a statement. But I wanted to thank you for the legislation. I think it's very important. But this is one of those legislations, to me, that to do nothing is to increase the ranks of victims and to increase the ranks of people with HIV. And being that syringe... syringe sharing is second highest transmit of HIV and when I thought about my colleagues mention about babies steppin' on needles, I don't know about them but I do know about me. In my community, I've seen needles on the ground anyway and so I don't think there's gonna be an increase in needle... an increase of incidents. I'm sure there will be some casualties, but to do nothing I think is the wrong decision here. And I think as we reflect on the need here, if needle sharing is the second leading mode to HIV transmission in the United States and it's common sense that the African-American and Latino communities are showing the greatest casualty, that in itself implicates

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that there is an ongoing war and an onslaught and they are victims of that war. So, in lookin' at that and thinkin' about how HIV and needle sharing leads to mothers who produce and have children who are newborn, I think the concern with me is more so with the newborn, comin' into the world with HIV than the odds a million to one of a child playin' and steppin' on a needle. So, in looking at the least of two evils between one or the other, I think that this Bill deserves support. It's unfortunate that we even have to discuss it in our society, but that's where we are today. And if we don't start doin' something to relieve the pressure, to make people do things... One thing I know about drug addicts, a drug addict gonna find a way a to shoot a needle. If he gotta drug addiction and he's usin' a needle, he's either gonna beg, borrow or steal. He gonna find a way to do that and he's not gonna care where he drops it. I can take you to places in my community, a shooting gallery, and needles are everywhere. You find 'em in the trash can. So, I think that both points are valid, but I think to do nothing and to not go at this would be the wrong thing to do. To the Bill, Mr. Speaker."

Speaker Novak: "To the Bill."

Washington: "I stand in support of this legislation. Number one, because it affects my community in much too vast numbers that are frightening in the Latino community. So, I think those who would benefit most from this will be those two communities. And I ask for support of the Bill. Thank you."

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Speaker Novak: "Thank you. Further discussion? The Gentleman from McLean, Representative Brady."

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

Speaker Novak: "Sponsor yields."

Brady: "Representative... Just a couple questions, Representative, 'cause I couldn't hear in some of the debate. But if this was not an initiative from the Senate Joint Resolution #48... 58 that had the Commission on Medical Instruments Sales and Possessions, who then... who then is the unit of whatever agency that proposed this or association or... who's the driving force behind the legislation?"

Feigenholtz: "Representative, there is a large coalition called the Coalition for Responsible Syringe Policy here in the State of Illinois. It is comprised of public health departments, the Public Health Administrator's Association, the Public Health Association, Illinois State Medical Society, the Illinois Retail Merchants, the AIDS Foundation of Chicago, the... Cook County... Cook County Board of Public Health, Chicago Department of Public Health, Champaign County, all kinds of people, all kinds of public health officials, NASW, just a... the Nurses Association, the pediatricians, Illinois Academy of Physicians. It's a long, long, long list of people who understand that this is what we need to do and good, sound public policy here in the State of Illinois."

Brady: "Okay. A long list, I'll grant you that. But aren't some of those individuals, agencies or departments,



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offices, whomever, are going to have to absorb the cost aspect of what this Bill will be in the way of education, in the way of presenting the program from an education aspect that's gonna be asked for in this Bill?"

Feigenholtz: "You know what, the only cost that this Bill has is the printing of the pamphlets that need to be handed out at the pharmacy, Representative."

Brady: "And that cost is going to be absorbed by the State of Illinois?"

Feigenholtz: "I think it's about... I wanna say the note on it was \$50 thousand..."

Brady: "Okay."

Feigenholtz: "...for the printing cost."

Brady: "And certainly that'll be a reoccurring cost, will it not?"

Feigenholtz: "I don't know how long the pamphlets will last..."

Brady: "Okay."

Feigenholtz: "...for."

Brady: "All right."

Feigenholtz: "Obviously, the cost of treating a person with HIV/AIDS is substantially more than that. So, I think it's money well spent."

Brady: "Okay. Does this Bill... I couldn't find it in my analysis of the Bill. Does it speak to anything about the size of the syringes, the cc, the size of the syringe itself or does this say syringes?"

Feigenholtz: "I'm assuming that it is syringes that are used by diabetics and just normal syringes."

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Brady: "So, just normal syringes, even though there's different sizes, it's not specific within the Bill?"

Feigenholtz: "It's not referenced in the Bill."

Brady: "So, in other words, well, we're talking and debating a piece of legislation that's not specific about the type of syringes in question, correct?"

Feigenholtz: "No."

Brady: "Okay. And a final question for you that... and I couldn't hear some of the debate with the disposal aspect of this Bill which is troubling to me, Representative. I know well intended with all the coalition groups and associations and so forth that you mentioned, but the disposal aspect of this with the sharp boxes and the way it's supposed to be done in a way one disposes of a contagious, infectious syringe is going to be something that is literally unchecked. Would it not be?"

Feigenholtz: "Well, Representative, I think that... I think that you raise some good points and legitimate points, but one of the things that you have to realize is before I'm sure the Illinois State Medical Society, the AMA, signed on to this piece of legislation, they were looking at three... three of the main issues here that were under question. One was the disposal issue and is it an issue. And they looked at study after study after study in the 45 states that do not require this or have repealed the need for a prescription, there has never been an issue around disposal. These jurisdictions are not wading, hip high, in sterile... in dirty syringes. It's just not happening. I

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understand that this could be perceived as a problem, but I don't think that the Public Health Associations would support it. So, it is a nonissue."

Brady: "So..."

Speaker Novak: "Representative Brady, please bring your remarks to a close."

Brady: "Thank you, Mr. Speaker. I'll do so very quickly. So, it's a nonissue that we cannot assure the public safety of how contaminated needles will be disposed of throughout this state."

Feigenholtz: "Representative, if you read the Bill you will see that there is a provision in the Bill that the Department of Public Health is going to work with local jurisdictions to set up guidelines around disposal and I'm sure that local control is something that everybody supports around here, if there is an issue. But I am just saying the reports that I have been reading have indicated no increase in disposal problems..."

Brady: "Okay."

Feigenholtz: "...that these syringes are being improperly disposed of, especially in the 12 states that have recently deregulated and now sell syringes."

Brady: "Thank you. Thank you very much, Representative. And to the Bill, very quickly, Mr. Speaker. I would be much more comfortable in hearing the final conclusion of the commission that the legislative Body asks for out of Senate Joint Resolution 58 to give us a little more clearance on

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the disposal aspect of what's best for the state. Thank you very much."

Speaker Novak: "Thank you. Further discussion? The Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this Bill. I come from a social services environment where people who come... who used to come and see me were infected with HIV and AIDS. They were aware of their situation and they came regularly to be counseled on how to not be sick, how to obtain their medication, how to go and secure their syringes and deposit their syringes safely so no one else would get infected. People who were spreading needles did not even know that they were HIV positive, but people who are aware of their situation are properly disposing of their needles. And furthermore, you don't even know who has HIV or AIDS or who's using heroin. It could be people standin' outside who shoot heroin on a regular basis or people standin' around in this room on a regular basis that shoot this and may dispose of their needles properly. I think this is a health issue. I think this is a very important piece of legislation that we should, indeed, pass and that we should think about our community. We're tryin' to slow down this process. I live in the Austin Community where right now it's rated as #1 with HIV and AIDS. This is an important piece of legislation for my community. And I urge an 'aye' vote out of this Body. I can't wait for another generation to pass away. I need you today, not tomorrow, not next

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week, I need you today. This is a very important piece of legislation. And you don't know who has HIV and AIDS. You wanna cast and to say that there's people walkin' around on the street who have nappy hair and raggedy clothes; it could be somebody sittin' next to you in this room. It is not a discrimination thing. It's about save our community. Yes, there are a lot of other risks, but you were not elected to pass disparaging hope... to take away hope from your community. We were elected to restore the hope to our community. So, let's put some hope in our community and pass this piece of legislation. I urge an 'aye' vote."

Speaker Novak: "Thank you. The Lady from Cook, Representative Flowers. For what reason do you rise?"

Flowers: "Thank you, Mr. Speaker. My name was used in debate."

Speaker Novak: "Yes, that's recognized. You're allotted one minute."

Flowers: "Thank you. I just want to bring to the Members' attention that this is a mandate and according to the analysis here under the State Mandates Act a service mandate concerns the creation and the expansion of government delivery standards such as for public health. If enacted, the provision of this Bill would require 94 local public health departments in Illinois to implement a needle disposable Bill. It will cost... it would create a service mandate from which reimbursements of 50 to a hundred thousand dollars of increased cost to units of local government is required under the State Mandates Act. This is an increase, Ladies and Gentlemen, to the cost of

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local government. So, I want you to know, if you vote for this Bill, you're voting for your municipality to bear the cost of this and for..."

Speaker Novak: "Representative Flowers, your time is up. The Gentleman from Cook, Representative Scully."

Scully: "Thank you, Mr. Speaker. And with your permission, I'd like to yield my time to Representative Flowers."

Speaker Novak: "Representative Scully, the Chair recognizes that there is... there exists a rule for people to allow Legislators to yield their time to other Legislators, the Chair strongly discourages it, but we will allow the five minutes for Representative Flowers. Five minutes exactly."

Flowers: "Thank you, Mr. Speaker, once again, and Ladies and Gentlemen of the House. I'll be brief. And thank you, Representative Scully. Ladies and Gentlemen, again, Abbott Laboratory know the importance of needle sticks and the detriment that it has caused. The Center for Disease Control and Prevention knows that 6 thousand to 800 thousand people have accidents every year in the health care profession. And of that 6 to 800 thousand, 1 thousand of those people contact AIDS. There are other ways that people contact AIDS, Ladies and Gentlemen, other than using needles. Needles, is one way. But, you, again, I need for you to understand that you are asking people who have a condition of using heroin to do something responsible. And, we are also putting these people on the streets. They'll be driving cars, they'll be driving cabs. It's this type of situation that will cause more hazard to our

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community. I'm asking you to please take into consideration of what we're really doing here, in regards to drugs. Drugs is illegal in this state. Heroin is illegal in this country. We're sending the wrong message, Ladies and Gentlemen, to young people that it's okay to do heroin but it's not okay to do marijuana. That's not what we wanna do. That's not our purpose here, Ladies and Gentlemen. Let the Department of Public Health and let other people put more monies into drug intervention and prevention. And, as I've stated before, let us give out methadone, let's not give out heroin, and let's not give out needles. Once, again, Ladies and Gentlemen, I beg of you to please, please vote 'no'. And also, I have a letter here from Father Mike, and Father Mike Pflieger is also begging us to please vote 'no' on this Bill because he and others have fought too long and too hard to clean up our community to eliminate drug paraphernalia not to put back in the community, Ladies and Gentlemen. And think about the garbage man who's gonna throw that green bag over his back and be stuck with these needles, who's gonna pick up the bill? Who is gonna pick up the bill, Ladies and Gentlemen? This is a bad message that we're sending and I beg you please, vote 'no'. Thank you very much."

Speaker Novak: "Thank you. The Lady from Cook, Representative Davis, for what reason do you rise, Ma'am?"

Davis, M.: "My name was used in debate."

Speaker Novak: "The Chair recognizes that you will be allotted one minute."

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Davis, M.: "Thank you, very much. I'd like to say if I were a drug dealer and I went to 87th and Western, I could get 20 needles. Then I could go to 87th and Cicero and buy 20 more needles. Then I could go down to 63rd and Harlem and buy 20 more needles and not only should I sell the heroin, but now I can also sell the needles that go with it because I have purchased them very cheap. Heroin addiction allows for irresponsibility. People who are heroin addicts will not be responsible... in getting rid of those needles, they're putting the larger society at risk. Sixty percent or more of the transmission of AIDS is through sex, it's through not using a condom. Forty percent or less is from using shared needles. People know the reasons and the risks of how not to get AIDS and that's what they should adhere to. We should not be about the business of encouraging..."

Speaker Novak: "Thank you, Representative Davis. Thank you, Representative Davis, for your comments. The Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker. Mr. Speaker, like many of my colleagues who have spoken earlier, I have to say when I first heard this Bill this year I had some concerns and reservations, and it wasn't until I talked to a lot of intelligent people who are way out front on this issue and much more abreast of this issue who easily convinced me that this was a good piece of legislation. I also wanted to state that Illinois is not breaking any new ground here. As the Sponsor stated earlier, 45 states, I believe it is,



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already sell needles without a prescription. Ninety percent of the states in our country already allow for this to happen. We're not in the vanguard here. We're simply doing what we can to address a very serious public health issue. And let me be even more clear, in our state budget right now, the only monies that are directly proportioned and that's just proposed to deal with the proliferation of AIDS in our state is \$2 million. In a 50-plus billion dollar budget, that's less than one ten thousandth of one percent to deal with a serious public health issue. If we're not gonna put our money where our mouths are, we could at least use the power we have here in this chamber to address a serious public health issue, and that is the proliferation of AIDS in our community. Ladies and Gentlemen of the General Assembly, far too often we just don't use good common sense. I believe that this is a good commonsense piece of legislation. If it can save one more child, one more mother, one more parent, one more individual, then I think we need to take that step here today. I strongly encourage all of my colleagues to vote 'yes' on this very serious public health issue. Thank you."

Speaker Novak: "Thank you. Further... further discussion? The Gentleman from Cook, Mr. Miller."

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

Speaker Novak: "Sponsor will yield."

Miller: "Representative Feigenholtz, you had listed or had said earlier there were quite a few proponents of this

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legislation, specifically many departments of health. Is that correct?"

Feigenholtz: "That is correct."

Miller: "And that the director of... was it Public Health for the state?"

Feigenholtz: "I'm sorry?"

Miller: "The director of Public Health is for this?"

Feigenholtz: "The director of Public Health, in a letter dated May 6, states his support for reducing barriers to access to sterile syringes to stem the spread of HIV, yes."

Miller: "That's Doctor Whitaker."

Feigenholtz: "Doctor Eric Whitaker."

Miller: "A physician, correct?"

Feigenholtz: "He's a physician."

Miller: "Okay."

Feigenholtz: "And a master's in public health."

Miller: "Okay. And as far as the opposition's concerned, in our analysis the Illinois Church Action and Concerned Women are the only opponents that are listed here. And I think some earlier comments that said that certain individuals or certain groups were neutral, is that correct?"

Feigenholtz: "I'm sorry. What was that last question, Representative Mill... Doctor Miller?"

Miller: "Who's the opponents of it? On our analysis it lists only two opponents and versus everyone's gone neutral."

Feigenholtz: "That's correct."

Miller: "Or proponent."

Feigenholtz: "Right."

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Miller: "Correct. Okay. To the Bill."

Speaker Novak: "To the Bill."

Miller: "You know, we can... this Bill is clearly very emotional for a lot of individuals in this room and I can understand why and be sympathetic towards that. I heard some comments earlier about syringes being drug paraphernalia. They're being used as drug paraphernalia but syringes themselves which I used yesterday in my office are not drug paraphernalia within itself. It's used for other things and in our case needle sticks do happen, which I can understand, it has happened to me, other things have happened that I can understand in regards to disposal. However, the Chicago Department of Health estimates that 22 hundred Chicago people are living with HIV. And this was in the Chicago Defender just recently. While African Americans make up only 36 percent of the city's population, they make up 66 percent of the adults recently diagnosed with AIDS, and 64 percent of the adults recently diagnosed with AIDS through IV use. In Chicago, African-American women make up 40 percent of the city's population, but account for 78 percent of AIDS cases diagnosed between 1997 and 1999. These cases generally result from IV drug use with females or with sex partners. I can understand some of the concerns about the laws... or concerns of opponents who suggest legalizing this will increase crime or IV use. However, however, there is no evidence that reflects elevated crime use in the states that have implemented this policy. Connecticut changed from drug paraphernalia laws

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in 1992. Since then, needle sharing among IV drug users has dropped. These are facts. We can go off emotion all we want, but these are facts that we have to face. I would ask that the General Assembly, although emotions dictate what we do and who we are, and drive particular legislation, at some point health care providers such as, Dr. Whitaker, health care providers such as, me and others, you have to look at it and say why don't Illinois join the rest of the 45 states that implemented this law? I would suggest 'aye' votes on this legislation."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Representative Dunkin. Mr. Dunkin."

Dunkin: "Thank you, Mr. Speaker, Members of the Assembly. I rise in support of House Bill 880 (sic-Senate Bill 880), for simple reasons, very simple reasons. This is a preventive measure that the State of Illinois needs to take extremely, extremely, very, very seriously. I have a brother who has full blown AIDS, full blown AIDS who's living with AIDS and if I can do anything here in this distinguished Body to stop, to reduce the spread of HIV, the spread of AIDS, the stop... stopping the spread of death by way of people who share needles, if I can prevent anyone else from be infected or at least being responsible in their use of syringe needles, I'm gonna to do that. And, I'm gonna encourage every single one of you here to do the same. If we're here to prevent some of the most catastrophic illnesses that man has ever known outside of cancer, we should act in accordance to that. It is vital

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that we set the wheel in motion and that we move to take progressive steps in reducing the spread of HIV and AIDS, because once you are infected with AIDS, HIV, there is no turning back, there is no cure, there is not one cure... not one single cure for this virus and if we're at a point where we can help stoppin' the spread or reducin' the spread of AIDS/HIV, we should do it right now. So, we should not only use our hearts with this, we should use our heads in stopping this catastrophic illness that is plaguing the State of Illinois, the U.S. of A., and the world for that matter. I vote 'aye' and I encourage, strongly encourage, you to vote 'aye'. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. I move the previous question."

Speaker Novak: "We have one more speaker, Representative Kelly. The Gentleman moves the previous question. All in favor say 'aye'; all opposed... the 'ayes' have it. And the Motion carries. Representative Feigenholtz to close."

Feigenholtz: "Ladies and Gentlemen of the House, we have heard some spirited debate today on this Bill. We've heard about disposal, we've heard about drug use, we've heard about people who are using now, possibly using more illegal drugs because of this Bill. But I have to tell you, as I said earlier, I have heard debate around this Capitol on how can we stop the spread of AIDS? For nine years I have heard this, and in those nine years the support for this measure has risen and grown. Previous speakers who are not

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supportive of this legislation talk about the children. Let me tell you about the children. For the last nine years, in those last nine years that we have tried to pass this legislation, we could have filled this room with the bodies of children and people who have gotten HIV/AIDS from using dirty needles, because they've been forced to share syringes. Forty-five other states, Ladies and Gentlemen, we are one of five states in this country who still require this onerous measure. We can remove it. We can look AIDS in the eye. We can eliminate perinatal transmission of HIV/AIDS. We can be courageous, we can be leaders. Put an 'aye' vote on this Bill. Thank you."

Speaker Novak: "And the question is, 'Shall Senate Bill 880 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 70 voting 'yes', 48 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 880 is hereby declared passed. Senate... Senate Bill 881, the Gentleman from Cook, Representative Lang. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 881, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Bill of particular significance to my own family. This would provide a checkoff for leukemia research on the

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income tax forms. We've been working with the Department of Revenue to make sure there's room on the tax forms for these checkoffs and there are. There may be a couple of checkoffs on the form currently that will fall off because they don't reach the threshold. I have a family member who's had leukemia, thank goodness, thank God he's beaten it, but I see and I know you see how important it is to beat this disease. I ask your support for this income tax checkoff."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 881 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 881 is hereby declared passed. Senate Bill 424, the Gentleman from Cook, Representative Giles. Is Representative Giles in the chamber? Out of the record. Senate Bill 490, the Gentleman from Cook, Mr. Miller. Mr. Miller, Senate Bill 490. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 490, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Miller."

Miller: "Thank you, Mr... Thank you, Mr. Speaker, Ladies and Gentlemen of the chamber. Senate Bill 490 is actually an initiative that was passed by this House last year."

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Essentially, what it does is allow for helping streamline KidCare application. Those who are eligible for a free or reduced lunch are also eligible for KidCare and the application would so reflect it and a confidentiality agreement has to exist between the two agencies and what this does is implement that. I would ask for a favorable vote. And that's it."

Speaker Novak: "And on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Representative, would you be willing to amend this Bill on its face? I don't want it to go to the Governor's desk with what may be an error in the Bill that may negate the Bill. It clearly mentions regional superintendents of education. They may not be in existence when this Bill goes into effect. Would that... I'll... I'll... it's only... it's tongue in cheek, but you may wanna ask staff if that needs to be corrected before it's enrolled and engrossed and sent to the Governor. I don't think it would ruin the Bill, but it appears that the Governor's budget is introduced and subsequent statements attributed to the Governor that there won't be regional superintendents of education."

Miller: "If that happens, we'll have the Governor amendatorally veto it."

Black: "Good idea. Thank you."

Miller: "It was my own."



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Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 490 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 490 is hereby declared passed. Senate Bill 424, the Gentleman from Cook, Mr. Giles. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 424..."

Speaker Novak: "Excuse me. Excuse me, Mr. Giles. For what reason do you rise, Mr. Meyer?"

Meyer: "Thank you, Mr. Speaker. I was just inquiring what order of the Calendar we're on?"

Speaker Novak: "We are on page 9 of the Calendar."

Meyer: "Well, I guess the reason for my question, it seems like we're jumping back and forth, it seems like all the Bills that are being called are Democratic Bills. Wondering if you could get over to the Republican order for a while."

Speaker Novak: "As a matter of fact, there's one coming up next."

Meyer: "Thank you."

Speaker Novak: "You're welcome. Mr. Giles. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 424, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

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Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 424 is the identical Bill that I passed the House Bill 2498, which passed this House 115 votes to 0. What this Bill does is provides that a prisoner who are... who are sentenced for crimes committed as a result of the use or abuse of alcohol or drugs may not receive good conduct credit until they participate in and complete a substance abuse program. If this... if the treatment is not available during the duration of the prisoner's term, that individual will be placed on a waiting list, that individual will not lose their good conduct credit while waiting on the list. I ask for a favorable piece of legislation. I believe we debated this Bill extensively when it was in the Ho... as a House Bill. I believe we answered all the questions and I'm ready to answer any question at the present time."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 424 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Hoffman. Ms. Ryg. Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 424 is hereby declared passed. Senate Bill 533, the Lady from Cook, Representative Coulson. Do you wish to call your Bill? Mr. Clerk, read the Bill."

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Clerk Bolin: "Senate Bill 533, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Coulson."

Coulson: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 533 creates the tea... quality teacher incentive and mentoring law. And I would ask for your 'yes' vote."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Lake, Representative May. Thank you. Is there any discussion? Hearing none, the question is, Senate Bill... 'Shall Senate Bill 533 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 533 is hereby declared passed. Excuse me. For what reason do you rise? The Lady from Lake, Representative May."

May: "For purposes of an announcement, please..."

Speaker Novak: "Please..."

May: "...Mr. Speaker."

Speaker Novak: "Please state your announcement."

May: "Yes, everyone has seen these great little flyers on your desk. The night has finally arrived for Capital Capers 2. Yea. And we'd like all of the cast members to be there at 6:00. That's hoping we get out of here by 6:00, so that we can do our last minute practice. And the doors open for the general public at 7 p.m. There will be a cast party

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afterwards, stay tuned for the... for the place of the cast party. But everybody come, we're going to have a good time here in Capital City."

Speaker Novak: "Thank you. Senate Bill 110, the Gentleman from Cook, Mr. Acevedo. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 110, a Bill for an Act concerning child care facilities. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 110 amends the Child Care Act of 1969. Provides, beginning January 1, 2004, no new applicant on the date of the license renewal or license can be operate... a lice... receive a license from the department to operate, no person may be employed and no adult person may reside in a child care facility which has been convicted of committing or attempting to commit specified offenses. Provides circumstances under which licensing may be issued despite such a conviction. I ask for a favorable vote."

Speaker Novak: "Thank you. Is there any discussion? On that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, several years ago the Gentleman who was my Senator at that time, the late Senator Woodyard and I passed a Bill that was important to rural downstate areas and that was the group day care home category, where a homemaker could open a day care center in his or her home.

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Now, I don't have the specified offenses in front of me, but let's say that a... a women wants to run a group day care home and her husband has a conviction of... I don't have the specified list, let's just say robbery. Would that lady then be prevented from licensing a group day care home or are the offenses more related to sexual assault or sexual offenses?"

Acevedo: "Actually, depending on the crime committed, Representative, and the length of the time the crime was committed she would still be eligible to receive, under certain requirements, the license."

Black: "All right. Can you... forgive me, for some reason I don't have a copy of the Bill. What offenses, is it easier to say what offenses don't count against the license or what offenses do? I mean are all of them, like breaking and entering..."

Acevedo: "I... I can tell you at least of three main categories, Representative, which is bodily harm, offenses affecting public health, safety and decency, and drug offenses. I can get specific for you, but it'd take quite a... quite a bit of time."

Black: "All right. The analysis makes reference to a possible waiver provision so that there would be some due process afforded to someone in a rural area who wanted to operate a group day care home?"

Acevedo: "Can you repeat that, Representative?"

Black: "Yeah, it says, 'provides circumstances under which such a license may be issued despite such a conviction.' So I

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assume there is some methodology for the person soliciting or asking for the license to get a hearing on whether or not he or she could get a waiver because of a spouses conviction of a crime?"

Acevedo: "Representative, the crime that the husband was the... has shown that he has committed, she is eligible to apply for that license if it's prior five... if the crime was committed five years prior to her applications for the renewal of the application."

Black: "All right. I just got a copy and I'm looking at the list here. Most of 'em are pretty serious crimes. A... a simple DUI or something like that would not prevent the issuance of a license, would it?"

Acevedo: "No. No, there wouldn't be an effect."

Black: "All right. How would the prospective licensee ask for a waiver or reconsideration of a denial? Do they go to the Department of Children and Family Services?"

Acevedo: "Yes, they would go to DCFS."

Black: "Okay. All right. So, is... ya know, you have a law enforcement background, so if I had a constituent who was concerned about a crime that her spouse committed 25 years ago, paid his debt to society and it isn't on this list, then they don't have to worry about it?"

Acevedo: "Absolutely."

Black: "But if it is on the list, she still is entitled to due process and explain the circumstances and may be able to get a license?"

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Acevedo: "Yes. Representative, if she applies for a license, of course she's gonna have to tell the truth, her husband had... did commit a crime. She's gonna have to state the crime. During the background investigation they're gonna find when that crime was committed. If it was five years prior to the application for the license..."

Black: "Okay. Okay."

Acevedo: "...then it would be el... you would be eligible."

Black: "All right. So that would be the safeguard?"

Acevedo: "Yes."

Black: "All right. Fine. Thank you. I appreciate your indulgence."

Acevedo: "Thank you."

Speaker Novak: "Further questions? The Lady from Cook, Representative Davis. Monique Davis."

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

Speaker Novak: "Sponsor will yield."

Davis, M.: "Representative, is there a time limit in which you go back and find these crimes that would prohibit a person from, is it working in or owning a child care facility?"

Acevedo: "Five years."

Davis, M.: "Five years. So, let's say you're a gang member and you're 20 years old. So, you serve your time and you come out, so after five years are up you can go into these... this field. Is that correct?"

Acevedo: "Representative, yeah, you can ask for a waiver, but depending on the crime, it could be five years and drug offenses is ten years."

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Davis, M.: "Why? Does somebody stay high that long?"

Acevedo: "Pardon?"

Davis, M.: "Why would it be ten years for a drug offense?"

Acevedo: "Depending on the serious of the charge of the drug offenses, which if you want me to state and we can be here for awhile, I'll let you know."

Davis, M.: "To the Bill, Mr. Speaker. I'm gonna say..."

Speaker Novak: "To the Bill."

Davis, M.: "...especially to the Black Caucus, especially to the Black Caucus, you're trying to expunge records on one hand and on the other hand we're adding conditions in which former felony offenses will be not able to work or own a business. Now, my thought was, in America when you committed a crime and served your sentence, you come out whole. And the reason we're in need of these expungement Bills anyway is because we keep passing legislation that is prohibiting former convicted felons or inmates from working. This is another piece of legislation to keep a particular group of people from working. A drug crime... Representative, a drug crime is just as serious as a gun crime, but it's no more serious than those crimes. Now, I can understand you not wanting a sex offender to work with children or in a day care facility or owning one, but many of the... a vehicular whatever, what's it called, vehicular something? Vehicular homicide. Now you're saying if somebody has an accident and it could very well be an accident, but the court decides to charge him or her with



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vehicular homicide, they serve their time, when they come out they can't work in a child care facility."

Acevedo: "Now, she asked me some questions and then she said to the Bill. Now, was she asking me the question or is it to the Bill?"

Speaker Novak: "Ms. Davis, state your question, please."

Davis, M.: "The question is, we are adding about 20 offenses to the already existing offenses that prohibit people who have been to jail or prison from working. On the one hand we're talking about expunging records and on the other hand we're adding to the list of jobs that we are prohibiting people from getting. Now, you know of people who have an accident with their car, it's an accident with their car, but they accidentally killed someone. So they're charged with vehicular homicide. You are saying that this person cannot work in a child care facility or own a child care facility for five years."

Acevedo: "Actually, Representative, you're misreading the whole Bill. This Bill is to help open up the prospect for people to get jobs, for the fact is that right now, currently, they cannot reapply for the license due to the fact of the crimes they've committed. So, this, in fact, is helping people obtain jobs..."

Davis, M.: "So, how..."

Acevedo: "...help people obtain licenses and this... this is the one... this Bill helps lend a waiver for them to apply for that with the application."

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Davis, M.: "So, they have to apply for a waiver and somebody has to say to them, your crime was committed five years ago, so now you can do this."

Acevedo: "Right. And previous legislation excluded 'em..."

Davis, M.: "But you're saying..."

Acevedo: "...from doing so."

Davis, M.: "...without this legislation they can't do it at all. Is that correct?"

Acevedo: "Right."

Davis, M.: "Thank you, for clearing that up. I appreciate it. I will support your Bill. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Representative Delgado."

Delgado: "Thank you, Mr. Speaker. To the Bill. First of all, it's very important to me that the previous speaker made reference... this is very important not to... this isn't about dividing any caucuses, because as Minority Caucus we shouldn't divide, we have to survive. This is about not expunging on one hand and then getting up and trying to do a background check on an individual who possibly is from our communities, and he can be Latino, he can be of any other nationality, but for that individual's moral turpitude as a pedophile, who's someone who can't keep his hands off of his own child, do we want him working in our day care centers? I'm a former parole agent and we don't send bank robbers to work in banks. This isn't about a particular population. And I think that we're treading on some dangerous waters when we start biting each other and start

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attacking each other. From a caucus perspective, this is about making sure that we have qualified African Americans and Latinos and Anglos and Asians in all of our communities, but we also have those who belong behind bars. We also have those that should never be in charge of a child, let alone their own child. So, we have to make some decisions here. But it's vital to me that we understand the concept of the Bill and not let anyone come between and let us start blaming the victim, that we start infighting, that we start deciding that we better listen to this caucus and how it's effecting. Well, I'm here to say I can represent both caucuses because as a Puerto Rican American I have African blood in me and I'm proud of it. I get to celebrate twice a year, Hispanic heritage month and African-American heritage month. And I'm sure we can line up everyone in our communities and I'm sure that our families would say, we want a criminal background check, because I don't care if you're from Mars, we have to make sure that we have rules. Because even if we take it back to the... to the most primitive side of coming back to our village, we banished people from our village, if we go to the depths of our ancestry. So, please when you get up to speak, be extremely careful that we're not using that card on each other. And, Mr. Speaker, to the Bill. This Bill is very important so that our communities continue to move upward and leave that Flintstone stage and make sure that we stay within the Jetsons. This Bill needs all 'green' lights, because I understand what Representative Acevedo is

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trying to do here. This man's has no malice. This Man's a police officer and he's one of the fairest people that I've learned to grow to respect in this chamber, because it's not about just locking 'em up, it's about justice. And this Gentleman represents it well. Thank you."

Speaker Novak: "Thank you. Further discussion? Seeing none, the question is, 'Shall Senate Bill 110 close... excuse me, pass?' All those in favor say 'aye'; all those opposed say 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Bost. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 110 is hereby declared passed. Senate Bill 564, the Gentleman from Cook, Mr. Giles. Do you wish to call your Bill, Sir? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 564, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 564, what it does, it amends the State Finance Act, the School Code, the Private Business, and the Vocational School Act to extend the repeal date provision created in the State Board of Education Fund and the State Board of Education Special Purpose Trust Fund and the Private Business and Vocational Schools Fund. We have similar legislation in House Bill 2353. In committee we got 17 'yes' votes, 0 'no' votes. There's no opposition to

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this piece of legislation to my knowledge. In the Senate we had 0 'no' votes as well. So, I ask for a favorable vote for this piece of legislation."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 564 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 564 is hereby declared passed. Senate Bill 565, the Lady from Cook, Representative Graham. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 565, a Bill for an Act relating to young children's learning and development. Third Reading of this Senate Bill."

Speaker Novak: "Representative Graham."

Graham: "Thank you, Mr. Speaker. Today I have before you guys Senate Bill 565 which creates the early... the Illinois Early Learning Childhood Council. The Early Childhood Council will coordinate the existing state programs for children from birth to five. The goal of this... this council is to coordinate the programs, create a state-to-state high quality comprehensive and accessible early learning system to benefit all the children who parents who chose it. The council will represent every region, racial, and cultural diversity of the State of Illinois to insure that all of

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the children of the State of Illinois needs are met. I'll take any questions."

Speaker Novak: "Thank you. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 565 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 565 is hereby declared passed. Senate Bill 618, the Gentleman from Cook, Mr. Giles. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 618, a Bill for an Act regarding education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 618, it amends the School Code to expand the definition of text books to include: science curriculum materials in a kit format. This piece of legislation was identical to House Bill 2332, which passed out of the... this House and, of course, out of the committee with 0 'no' votes. There's no opposition to this piece of legislation. I ask for a favorable vote for this piece of legislation."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 618 pass?' All those in favor vote 'aye'; all those opposed vote 'no'.

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The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 618 is hereby declared passed. Mr. Aguilar, are you prepared to call Senate Bill 641? Out of the record. Senate Bill 642, Mr. Acevedo, the Gentleman from Cook. Out of the record. Senate Bill 680, the Gentleman from Cook, Mr. Froehlich. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 680, a Bill for an Act concerning immigrant assistance. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Froehlich."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 680 creates an... a program for immigrant assistance in the Attorney General's Office. There should be no fiscal impact. This Bill passed out of committee unanimously and I know of no opposition. I would appreciate a 'yes' vote."

Speaker Novak: "And on that question, the Lady from Cook, Ms. Mulligan. Representative Mulligan."

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

Speaker Novak: "Sponsor will yield."

Mulligan: "Representative, who asked you to carry this legislation?"

Froehlich: "Nobody."

Mulligan: "You just came up with this idea on your own?"

Froehlich: "No, I... I... when I was perusing the Bills that passed the Senate, I found this one and it sounded good."

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Mulligan: "Okay. I'm just wondering if this is not duplicated by someone else and how can the program, if you're asking the Attorney General to have a program, not cost anything?"

Froehlich: "Pardon?"

Mulligan: "How can this program not cost anything? You're setting up a new area for the Attorney General's Office to investigate or participate in."

Froehlich: "True. The Attorney General's Office is already providing some services in consumer protection and victim rights and so on to immigrants. What this program's gonna do is just allow them to centralize what they're already doing. So they shouldn't need any new personnel. The... We amended out the fiscal impact. When this came over from the Senate there was a fiscal impact, an Amendment removed it."

Mulligan: "I would... there is not quite enough money in the immigrant program that goes to the Department of Human Services. They have reput money into the program without the thought that there was some current money left from the year before and it's not quite up to providing what the services are. I would not like to see any of the money that's directed... that goes directly to Human Services directed to the Office of the Attorney General since I think she can handle that on her own without us doing this program or putting in any money. So, I'd like some assurance that the money that go to immigrant programs will stay there and go through the Department of Human Services and not be misdirected into the Attorney General's Office."



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Froehlich: "Yeah, yeah, we... the... what the Department of Human Services Bureau of Refugee and Immigrant Services does is a bit different then what's... what the Attorney General focuses on. So, I have no... there's no intention to redirect funding."

Mulligan: "Well, in our fiscal impact it estimated that there would an annual cost of \$300 thousand for this program and that's half the money that... the amount of what we put into immigrant health services, which is a total of a little over \$600 thousand. So, I think that there would be an ap... better appropriate use of this money. So, I am hopeful that what you're saying is correct and that the legislative intent is for the Attorney General to handle this program out of her current budget and not to take away any dollars that could go better... be better used to serve the immigrant community."

Froehlich: "Yeah, Amendment 1, which was adopted in committee removed the fiscal impact."

Mulligan: "Okay. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, I can't find any reference in the Bill. Is this immigrants, legal/illegal? Doesn't make any difference? Documented/undocumented?"

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Froehlich: "No, there's no distinction in the Bill. This would be whatever immigrants the Attorney General's Office is providing assistance to."

Black: "I... I thought we already had a... an office that did this. Is this just reconfiguring that office of immigrant assistance or is this just duplicating that old office or what are... what's the Attorney General's intent here?"

Froehlich: "Well, the Attorney General doesn't have an office of immigrant assistance currently, then this would just create a program that would allow them to centralize some services they're already providing to immigrants."

Black: "All right. Thank you. Mr. Speaker, very briefly, to the Bill. I have no strong objection to the Bill, but a previous speaker, a previous Representative pointed out something that I think we have to be very careful of. It has a fiscal impact of \$300 thousand, now that is subject to appropriation, so I daresay it will not be appropriated in fiscal '04. Four hundred fifty thousand dollars would fund the Community and Residential Services Authority for the entire fiscal '04 budget. I've had personal experience with CRSA, an ombudsmen group within the State Board of Education, that is currently in the Governor's proposed budget, being eliminated. And they are... And I have seen personally the good things that they can do while intervening on behalf of parents with special needs children where the parents think that the local school district is not doing the appropriate IEP or placement. I can't in good conscience vote for a program, no matter how

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worthwhile, and it's certainly no reflection upon the Sponsor, that costs almost the same amount of money as it would to reestablish, for fiscal '04, an agency in the State Board of Education that I have personally seen and witnessed intervene in the case of parents in my district who had a severely and profoundly disturbed daughter and without CRSA's intervention, I'm not convinced and neither are the parents that his girl would be alive today. So, I can't in good conscience vote to establish an office that if I could find another 25 percent of what this office would cost I could keep CRSA running in fiscal '04 and since I've had personal experience with that agency and I think it's shortsighted to eliminate it, but it has been eliminated in the '04 budget, I intend to vote 'no'."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Osterman."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in strong support of this measure. It is appropriate that the Attorney General's Office has an office that looks at trying to help and assist immigrants. Immigrants are often plagued by... are victims of fraud. So the Attorney General's Office setting up an office to help them to talk about the laws, I think is very important, also to educate them in the laws of the State of Illinois. A previous spoke... a previous speaker spoke to the issue of the money in the Human Services budget. Over the years, because of the influx of immigrants to the State of Illinois that budget has slowly began to increase with the

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help of this General Assembly, so that funding again hopefully this year will increase. But setting up a... an office within the Attorney General's Office to work with immigrants on issues and how they are affected by the laws I think is very important. And I ask for an 'aye' vote."

Speaker Novak: "Thank you. Further discussion? Seeing none, the question is, 'Shall Senate Bill 680 pass?' All those in favor v... say 'aye'... excuse me. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Biggins. Mr. Clerk, take the record. On this question, there are 113 voting 'aye', 1 voting 'no', 4 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 680 is hereby declared passed. The Gentleman from Madison County, Representative Steve Davis, do you wish to call your Bill? Mr. Clerk, call the Bill, please."

Clerk Bolin: "Senate Bill 686, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 686 provides that federally li... federally licensed gun and ammunition manufacturers may lawfully possess devices or attachments... you can keep talking, go ahead... may lawfully possess devices or attachments intended to silence the report of a firearms so long as that possession occurs while lawfully engaged in the business of manufacturing silencers, firearms or

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ammunition. The problem that we have in the State of Illinois, I have a... an ammunition manufacturing plant in my district, the Olin Corporation, who manufactures Winchester ammunition and in order for them to get Department of Defense contracts to make special ammunition for the Defense Department they need to test the ammunition using silencers and there's no provision in the law to allow them to do that. This simply allows the manufacturers of ammunition and the manufacturers of firearms, we do have some firearms companies who have DOD contracts, they have to ship their guns to Canada in order to test 'em and this language allows 'em to test 'em on site in order to fulfill the DOD contracts. Be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Fayette, Representative Stephens."

Stephens: "Just a couple of words, Mr. Speaker."

Speaker Novak: "Yes."

Stephens: "First of all, in my neighborhood when you hear, like I did this past weekend, you hear rifles being shot that's good news, because it sends out a big message to the criminals, stay the hell out of our neighborhood. And we kinda like that. So, I'm not so sure that the Representative might have a reason to amend the Bill because he... we're afraid that, like any time you give the government a little more freedom, they're going to show up in our neighborhood and we want to... people to hear our shots when we're firing the various rifles that we have. That's all, Mr. Speaker."

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Speaker Novak: "Thank you. Further discussion? The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Novak: "The Gentleman will yield."

Davis, S.: "Yes."

Slone: "Representative Davis, can you tell me whether this would affect anything other than the facility in your district... in the state?"

Davis, S.: "Could you repeat the question, Representative?"

Slone: "Will this legislation affect any facility other than the one in your district that you expressed a concern about?"

Davis, S.: "Only manufacturers of silencers, firearms, and ammunition."

Slone: "Do we know that there are any others of those in the State of Illinois?"

Davis, S.: "Are there other manufacturers? Yes, there are... I think that there are six gun manufacturers in the state that... that bid on DOD contracts and I think there's maybe one other ammunition company in the state."

Slone: "And are there competitors in other states that have this type of legislation, what you're proposing here? Are there competitors in other states and do they..."

Davis, S.: "Definitely, yes."

Slone: "...have this type of..."

Davis, S.: "Yes, there are competitors in other states who compete for DOD contracts and other states al... it's my

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understanding that some... the other states do allow them to use silencers in order to test their equipment."

Slone: "Thank you."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Thank you. Will the Gentleman yield?"

Speaker Novak: "The Gentleman will yield."

Flowers: "Representative Davis, I'm sorry, I did not hear you. Would you please explain to me again exactly what does Senate Bill 686 do?"

Davis, S.: "Well, Representative, what it does is allow the people who manufacture ammunition for the Department of Defense to test their... to test the ammunition by using silencers. These are special bullets that are made for the... for the Department of Defense to use... they're used by snipers. I think we saw a lot of that used over in Iraq where the snipers go in and use s... you have to have a special bullets to run 'em through the silencers on the weapons and I guess there are special weapons that the department uses and puts silencers on, so it allows the gun manufacturers who sell to the department to test those weapons also."

Flowers: "So, let me just ask you this, is it possible that a needle could be considered as a weapon, a silencer?"

Davis, S.: "Mary, I'm sorry, I can't hear you back here. Could you please repeat the..."

Flowers: "Is it possible... is it possible that a needle could be used as a weapon and could it be considered a silencer?"

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Davis, S.: "The answer is 'no', Representative."

Flowers: "Pardon me?"

Davis, S.: "The answer is 'no'."

Flowers: "So, a needle cannot be used as a weapon?"

Davis, S.: "Well, I guess it could be used as a weapon, but I don't know about the silencer part."

Flowers: "Does it make any noise?"

Davis, S.: "I would say 'no', it doesn't."

Flowers: "So you can consider it a silencer."

Davis, S.: "I'm sorry."

Flowers: "You could consider it a silencer. Am I correct?"

Davis, S.: "I would consider it a needle."

Flowers: "A silenced... Thank you, Representative, I appreciate your time."

Davis, S.: "Thank you."

Speaker Novak: "Thank you. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 686 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 686 is hereby declared passed. The Chair is prepared to adjourn. Allowing perfunctory time... Excuse me. I'm sorry, we have one Resolu... The Gentleman from Cook, on House Joint Resolution 24, Mr. McKeon."



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McKeon: "Thank you, Mr. Speaker. Although I'm a little bit intimidated by your ready for adjourn statement and I may get 0 votes on this Bill."

Speaker Novak: "Proceed."

McKeon: "This is House Joint Resolution 24 which creates the Joint Committee on Property Tax and School Funding Reform. It is not intended for this to be another committee to study what the appropriate foundation level. This committee is a working committee to draft legislation for distribution to the Members of this General Assembly in a larger community to hopefully develop the political will over the next two or three years, to be some fundamental structural reform to the property tax and school funding and to eliminate to the extent that we can without hurting any of the local school districts to a more equitable system and removing the over reliance on property taxes to fund schools. It's the single largest component of local taxes. In the City of Chicago, for example, it's 51 percent of the total tax Bill and I'm sure in other areas in downstate central Illinois it's the same. Last summer I spent time visiting with several county farm bureaus. In fact in Sangamon County I drove a combine for about two hours without messing up the harvest. But meeting with these folks, who represented both sides of the aisle, in terms of their political belief, their number one concern was how to fund their local schools and how to relieve the over reliance on local property taxes. So, this is a working committee. It's a Bill drafting committee. It's

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trying to create the political will in a larger community to support some fundamental reform so that those of us who are concerned these issues can look at the Bills and we'll do the statistical analysis in terms of trying to determine the impact on school districts and then hopefully get input from those school districts. I think the Committee of the Whole that we had indicated significant shortfall in terms of the... the state schools in terms of predicting that impact. We have to find a way to deal with that and again reduce the burden on local property taxes. This is an extension of a committee that I formed and cochaired for the last two years. We got a lot of input, there's a lot of support from both downstate and more urban areas to sit down on the table and to work this out. I... this is gonna take two or three years. We know the budget is... it's difficult, but it doesn't suggest that we don't continue to work on this issue. And again, it's to draft specific legislation, it's not another study group, another task force, another commission. It's a working group. Thank you and I'd appreciate your 'aye' vote."

Speaker Novak: "Thank you. The Lady from Cook, Ms. Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I would like to ask that the Body waive the posting notice on..."

Speaker Novak: "We're in the middle of a Resolution."

Feigenholtz: "I'm sorry."

Speaker Novak: "Further discussion? The Lady from Will, Representative Kocel... Kosel."

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Kosel: "Thank you, Mr. Speaker, very much."

Speaker Novak: "You're welcome."

Kosel: "Actually, I wanna thank the Sponsor, first of all, for amending this to make the membership from each side of the aisle equal and I appreciate that and would like to commend him on moving forward on something that is so important to the property owners of the State of Illinois. Can you tell the Body why the State Board of Education objected to this? They are listed on ours as opponents to this piece."

McKeon: "I don't understand their rationale, Representative Kosel. I would think they would like to work with us and the Bureau of the Budget, the Department of Revenue to build some models for us to think about. I would hope that they would break out of their... sort of thinking or mindset that was demonstrated here when they first came to the committee. Clearly, their numbers had some problems with 'em. I can't say they're acting totally out of self-interest, but I really don't take their opposition very seriously to the Bill. We, as Legislators, need to move on. We need to discover new solutions and we need to provide some sort of relief for not only funding properly our schools, but the relief for the over reliance on individual and corporate income tax. We can do it when we have the will."

Kosel: "And this will move us towards that and I commend you for your efforts on it and support your Resolution."

Speaker Novak: "Further discussion? The Gentleman from Whiteside, Representative Mitchell."

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Mitchell, J.: "Thank you, Mr. Speaker. To... to the Resolution. Representative McKeon, I... I, too, stand in strong support of your Resolution. I think it's high time that Legislators... we've had all kinds of blue ribbon committees and task force that have given us their recommendations, but I think part of the reason is that because the Legislators themselves really didn't get in, roll up there sleeves and see the work in progress and get a feel for the problems that we have in education funding, I think that may be why we've always had a stalemate. I think this time the way you have structured this committee I truly believe some good things could happen from it. So, I'm more than happy to stand in strong support."

Speaker Novak: "Thank you. Further discussion? The Lady from Cook... excuse me, the Gentleman from Cook, Mr. Will Davis. Mr. Davis."

Davis, W.: "Thank you, Mr. Speaker. I'd like to also stand in support of this Joint Resolution. In the south suburbs, where I represent, we have some of the greatest disparities as it relates to school funding. And when we base school funding on property taxes and the value of property we suffer greatly, because we have some of the poorest communities in the area as it relates to school funding. So, we need the opportunity to study the value of our property, the value of school funding as it relates to communities that have low property wealth to discover ways in which we can make the playing field a little bit more level. It's important that we look at it not so much

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trying to bring other communities down, as many of the Members of the General Assembly seem to think that legislation or that things such as this does, but we have to look at it as trying to raise up those communities that simply just don't have, they don't have the business, they don't have the industry, they don't have what it takes to compete against other school districts throughout the entire State of Illinois. We know that education funding is a problem throughout the entire state, not only affects the southern suburbs, as well as downstate communities, as well as some upstate communities. It's important that we begin the dialogue to try to figure out what is wrong with funding schools here in the State of Illinois and not only just try to determine what the problem is, but actively work to try to fix the problem of funding schools here in the State of Illinois. It's something that we have to do. It's a charge that most of us have. When we ran, we ran on education and providing for our children. Well, now it's time to stand up and do what's right. This... this allows us the opportunity to begin that dialogue. Like to thank Representative McKeon for bringing this to the forefront and continue... and you'll receive continued support from me. Thank you very much."

Speaker Novak: "Thank you. Further discussion? Seeing none, the question is, 'Shall House Reso... House Joint Resolution... The question is, 'Shall House Joint Resolution 24 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', and 0 voting 'present'. And having reached the required Constitutional Majority, House Joint Resolution 24 is hereby adopted. For what reason do you rise? The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise to waive the posting notice on House Resolution 236 for the Human Services Committee tomorrow. I've checked it with the Minority Spokesperson on that committee and she's fine with it."

Speaker Novak: "Okay. We'll get back to you. The Lady from... the Lady from Iroquois, Representative O'Brien."

O'Brien: "Mr. Speaker, I rise for the purpose of an announcement."

Speaker Novak: "State your announcement, please."

O'Brien: "I'd like to announce that the Downstate Democratic Caucus will meet tomorrow, Wednesday, May 14, immediately upon adjournment in Room M-1."

Speaker Novak: "Thank you. The Gentleman from Vermilion, Mr. Black. For what reason do you rise, Sir?"

Black: "Mr. Speaker, as deadline grows near, we're a little reluctant to waive posting requirements. The Minority Spokesperson isn't here. I have no reason to doubt the veracity of the... the Lady on your side of the aisle. And in the absence of any strong position from the caucus, I think we'll probably go along with waiving the posting requirement. But let... let the record reflect that we're

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going to be very careful of this, there have been some attempts made today to waive posting requirements on shell Bills and none of our spokespersons were even consulted on that. So, if you're gonna ask us to agree with that you'd better make sure you've talked to our Minority Spokesman, that's a matter of courtesy, it's a matter of professional respect. I have such respect for the Sponsor of the po... of the waiving of the posting requirement, I put my full faith and credit in her, but if I find out tomorrow from our Minority Spokesman, Representative Bellock, that that isn't the case I will extract my pound of flesh."

Speaker Novak: "Point well-taken, Mr. Black. Ms. Feigenholtz, state your Motion again."

Feigenholtz: "I would like leave of the Body to suspend the posting requirement for House Resolution 236."

Speaker Novak: "Okay. With leave of the Body? Is there leave of the Body? Leave being granted, the Motion carries. The Gentleman from Cook, Mr. McKeon."

McKeon: "Mr. Speaker, feeling severe pangs of guilt for diverting your original intention to adjourn about 15 minutes ago, I'd like the honor of making the Motion that we adjourn..."

Speaker Novak: "We have..."

McKeon: "...at the appropriate time."

Speaker Novak: "We have one more person... we have one person requesting to speak. The Lady from Cook, Representative Mulligan."

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Mulligan: "Thank you, Mr. Speaker. In order to increase the pain of the Members of the House Human Service Appropriation Committee, would the Republican Members of that committee, House Human Service Appropriations, meet in my office tomorrow morning at 8:00."

Speaker Novak: "Thank you for the announcement. Allowing perfunctory time for the Clerk, Representative McKeon moves that the House stand adjourned 'til Wednesday, May 14 at 12 noon. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on Tuesday, May 13, 2003, reported the same back with the following recommendation/s: 'to the floor for consideration' a Motion to Table Amendment #1 on Senate Bill 1321; 'approved for consideration' Amendment #1 to Senate Bill 76, Amendment #1 Senate Bill 157, Amendment #1 to Senate Bill 196, Amendment #1 to Senate Bill 257, Amendment #1 to Senate Bill 267, Amendment #2 to Senate Bill 354, Amendment #2 to Senate Bill 371, Amendment #2 to Senate Bill 372, Amendment #2 to Senate Bill 386, Amendment #1 to Senate Bill 460, Amendments 1 and 2 to Senate Bill 639, Amendment #1 to Senate Bill 903, Amendment #1 to Senate Bill 1149, Amendment #2 to Senate Bill 1156, Amendment #1 to Senate Bill 1364 and Amendment #1 to Senate Bill 1493.



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Introduction and First Reading of House Bills. House Bill 3811, offered by Representative Flowers, a Bill for an Act regarding education. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."