

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

103rd Legislative Day

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off their laptop computers, their cell phones and their pagers. And 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 Howard Wills, Sr. of the Greater New Hope Missionary Baptist Church in Kankakee, Illinois. Pastor Wills is the guest of Representative Dugan."

Pastor Wills: "Shall we bow our heads in prayer? God, of all creation, we come into Your presence with a deep sense of gratitude. Also, we come with the awesome awareness of Your majesticness. So, God, as we stand in our State Capitol on this day to witness the convening of our State Legislators and Representatives, we ask for Your divine guidance and Your blessings to be upon them. Father, You are the supreme authority, a God of order and You have instituted other authority structures that will support healthy relationships and meaningful harmony between our citizens. So, God, we pray that each of our state officials will be guided by Your wisdom. Make each one sensitive to the needs of all of the citizens within our state. We pray for our Governor, the leaders of each Representative here. So, God, we look to You for divine direction and help us to be faithful stewards over our state, knowing that one day that we all must give an account unto You for the deeds and the actions that we have done in this way. Bless us now individually and then bless

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us collectively, for we ask it in Your name and for our sake we do pray. Amen."

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

Lyons, E. - 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. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Would the record reflect that Representative Currie is excused today."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. There are four or five people seeking recognition. Do any of you people seek recognition for the purpose of an introduction? Mr. Franks."

Franks: "Thank you, Mr. Speaker. Point of personal privilege. Just like to look up to the gallery over there and welcome the students from St. Mary's and Marian Central Catholic High School from Woodstock for coming down today. Thank you."

Speaker Madigan: "Are there further introductions? Representative Bellock."

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

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Speaker Madigan: "State your point."

Bellock: "Thank you. I'd like to welcome, Representative Lyons, E. and I represent the district that has Hinsdale Central High School in it. And today we have the girls that won their 8th straight tennis championship from Hinsdale High School and the school's 65th state championship with the record of 17 and 1. They won the West Suburban Silver Conference Championship, the High School Sectional Championship and the entire state championship. They're here today with their coach Jerilyn Scardina, who's been there 27 years, and Robin Page. So, I'd like us all to give them a round of applause. Thank you very much."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. I just rise today to make a... a correction, and I've talked with the Minority Spokesman, Representative Parke. Yesterday in the Insurance Committee, House Bill 4471 was voted on and passed to the Body; however, I had inadvertently tabled the Bill the previous day. And so, just to let our Members know that that Roll Call is not in effect. It is my intention not to take that Bill or try to take that from the table, but to locate a... another Bill which is out there. It's an administrative Bill. And I apologize for that... that mistake in calling that Bill, which I had previously tabled, and discussed this with Representative Parke, just wanted to put that into the record."

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Speaker Madigan: "Is there anyone who wishes to do an announcement? Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. In the gallery today from Freeport, Illinois from Immanuel Lutheran School, the entire 8th grade class and Mr. Mike Mel... Welton and his lovely wife, Sharon, are here behind us. Would you give them a warm Springfield welcome."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. To just emphasize, we believe this is inadvertent, and we see no problem finding a vehicle to take care of that need. And I presume we'll reconvene the Insurance Committee to take a look at the substance of the legislation."

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

Millner: "Thank you... thank you, Mr. Speaker. I move to table House Bill 4004."

Speaker Madigan: "The Motion is to table House Bill 4004. You've all heard the Motion. Is there leave? Leave is granted. The Motion is adopted. The Bill is tabled. Mr. Daniels."

Daniels: "Mr. Speaker, at your gentle persuasion, I would like to table three Bills: 4418, 4419 and 4021."

Speaker Madigan: "Mr. Daniels, 4418, 4419..."

Daniels: "And 4021."

Speaker Madigan: "...4021. The Gentleman moves to table House Bills 4418, 4419, 4021. Is there leave? Leave is granted. The Motion is adopted and the Bills are tabled. The Chair recognizes Mr. Colvin."

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Colvin: "Thank you, Mr. Speaker. Mr. Speaker, I move to table House Bill 4900."

Speaker Madigan: "Mr. Colvin moves to table House Bill 4900. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. Ladies and Gentlemen, if you could give me your attention. If we could have your attention, please. We expect that during today's Session, we will repeat some of what happened yesterday. And in that regard, I would like to reference all of the Members to our daily House Calendar. And I believe that there's a Calendar on everyone's desk. And in... in the back of the Calendar starting on page 10, there's a listing of the committees where Bills are posted. So, if you are one who wants to know whether your Bill is posted for committee, you can reference the daily Calendar to answer your question. Okay. In addition, there's a list of Bills where we plan to move to suspend the posting requirements. And so, if you are one who wants to know is your Bill on a list where we plan to move to suspend the posting requirements, you can reference this document. Mr. Froehlich."

Froehlich: "Yes, Mr. Speaker, I'd like to table two Bills: House Bill 5051 and House Bill 5077."

Speaker Madigan: "The Gentleman moves to table House Bill 5051 and 5057. Turn on Mr. Froehlich."

Froehlich: "That'd be 5077, Sir."

Speaker Madigan: "All right, so you move to table 5051?"

Froehlich: "Right."

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Speaker Madigan: "And also 5077?"

Froehlich: "Correct."

Speaker Madigan: "You've all heard the Motion. Is there leave? Leave is granted. The Motion is adopted and the Bills are tabled. Mr... Representative Bailey."

Bailey: "Mr. Speaker, I would like to table 6686."

Speaker Madigan: "The Lady moves to table House Bill 6686. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. Mr. John Bradley."

Bradley: "Thank you, Mr. Speaker. I would move to table House Bill 4330."

Speaker Madigan: "The Gentleman moves to table House Bill 4330. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. Alright, Ladies and Gentlemen, let me have your attention. Let me have your attention. We are taking requests for Bills to be approved by the Rules Committee, and then the Bills would be part of a Motion to Suspend the Posting Requirements. So, you should move with dispatch, to come forward, give us your request. So, we'll be taking requests for a time; then we'll close the door... proceeding under the four Bill rule. Mr. Grunloh."

Grunloh: "Mr. Spe... Mr. Speaker, point of personal privilege."

Speaker Madigan: "State your point."

Grunloh: "I'd like to introduce a group from St. Anthony High School in Effingham, Illinois. They're up to our left here. They're the government class, Teacher Ron Niebrugge and his class."

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

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Phelps: "Thank you, Mr. Speaker. I'd like to table House Bill 5092, please."

Speaker Madigan: "The Gentleman moves to table House Bill 5092. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. Mr. Giles. Mr. Giles, did you want to make a Motion?"

Giles: "Thank you, Mr. Speaker. I want to make a Motion to Table House Bill 5039."

Speaker Madigan: "The Gentleman moves to table House Bill 5039. You've all heard the Motion. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. Representative Lindner. Linder."

Lindner: "Thank you, Mr. Speaker. I rise for an announcement."

Speaker Madigan: "Proceed."

Lindner: "Could you instruct... I notice that many people, especially the men, are going down and taking handfuls of cookies. Could you instruct them just to take one cookie at a time? And also, I think people are confused about whose birthday it is. So, I would like to announce that these cookies are in honor of Ruth Munson's birthday. Ruth is my seatmate. But she's over there right now, so if everybody would say happy birthday, Ruth."

Speaker Madigan: "So the announcement is that the men get one cookie and... and the women get... how many? The Chair recognizes Representative Collins."

Collins: "Thank you, Mr. Speaker. I would like to table 4611."

Speaker Madigan: "The Lady moves to table House Bill 4611. Is there leave? Leave is granted. The Motion is adopted and

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the Bill is tabled. Ladies and Gentlemen, we are close to closing the applications. I think we're one person away from closing the applications. Again, we are one or two people away from closing the applications. Mr. Black."

Black: "Thank you very much, Mr. Speaker, a point of personal privilege. Ladies and Gentlemen of the House, I want you to welcome with me a new addition to the House Republican Staff on our side of the aisle. We now have a staff attorney who will be joining us everyday on the floor. Would you welcome with me the very lovely and talented, Derek Persico."

Speaker Madigan: "All right, applications are closed. Applications are closed. The Chair recognizes Representative Ryg."

Ryg: "Thank you, Mr. Speaker. I'd like to table House Bill 4442."

Speaker Madigan: "The Lady moves to table House Bill 4442. You've all heard the Motion. Is there leave? Leave is granted. The Motion is adopted and the Bill is tabled. On page 2 of the Calendar, on the Order of House Bills-Second Reading, there appears House Bill 393. Mr. Mautino. Is Mr. Mautino in the chamber? Mr. Mautino. House Bill 3922, Representative Coulson. Is Coulson in the chamber? House Bill 4012. Mr. Froehlich, did you wish to move the Bill? The Gentleman indicates he does not wish to move the Bill. House Bill 4031. Mr. McKeon, did you wish to move the Bill. Mr. Clerk, what is the status of the Bill?"

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Clerk Mahoney: "House Bill 4031 is on the Order of Second Reading. It's been read a second time, previously."

Speaker Madigan: "Put the Bill on the Order of Third Reading. House Bill 4076, Representative Nekritz... Nekritz. The Lady indicates she does not wish to move the Bill. Mr. McKeon."

McKeon: "Mr. Speaker, there's an Amendment, Floor Amendment, in Rules on that Bill."

Speaker Madigan: "Mr. Clerk, put House Bill 4031 on the Order of Second Reading. Is Representative Hamos in the chamber? Hamos. Jerry Mitchell, do you wish to move House Bill 4211? The Gentleman indicates he does not wish to move the Bill. Mr. Saviano. Saviano. Mr. Flider, do you wish to move House Bill 4346? The Gentleman indicates he does not wish to move the Bill. Mr. Sullivan. Mr. Sullivan, on 4360. The Gentleman indicates he does not wish to move the Bill. Representative Bellock. Mr. Phelps, on House Bill 4428. Mr. Phelps, did you wish to move the Bill? The Gentleman indicates he does not wish to move the Bill. Mr. Brosnahan, 4502. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 4502 is on the Order of Second Reading."

Speaker Madigan: "Put the Bill on the Order of Third Reading."

Clerk Mahoney: "A Bill for an Act in relation to persons with disabilities."

Speaker Madigan: "And, Mr. Clerk, put the Bill on the Order of Third Reading. Representative Bailey. Mr. Clerk, what is the status of 4538?"

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Clerk Mahoney: "House Bill 4538, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Dunn. Mr. Dunn, on House Bill 4751. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 4751, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Aguilar. Representative Bassi. Mr. Aguilar, on House Bill 4788. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 4788, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Bassi. Is the Lady here, Representative Bassi? Did you wish to move House Bill 4810? The Lady indicates she does not wish to move the Bill. Mr. Hannig. Mr. Hannig. Mr. Joyce, did you wish to move House Bill 4894? The Gentleman indicates he does not wish to move the Bill. Mr. Dunkin. Mr. Dunkin. Mr. McCarthy. Mr. McCarthy, on 5017. Do you wish to move the Bill? The Gentleman indicates he does not wish to move the Bill. Representative Feigenholtz. Mr.

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Mautino, on House Bill 393. Did you wish to move the Bill?
Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 393, a Bill for an Act in relation
to insurance. Second Reading of this House Bill.
Amendment #1 was adopted in Committee. No Floor
Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Washington, did you wish
to move House Bill 5105? Mr. Clerk, what is the status of
the Bill? Mr. Washington, the Clerk advises that there's a
request for a note on the Bill. So, the Bill will have to
remain on the Order of Second Reading. On page 2 of the
Calendar, on the Order of House Bills-Second Reading, there
appears House Bill 4016. Mr. Aguilar, 4016. Mr. Clerk,
what is the status of the Bill?"

Clerk Mahoney: "House Bill 4016, a Bill for an Act concerning
taxes. Second Reading of this House Bill. No Committee
Amen... Amendments. No Floor Amendments approved for
consideration. No Motions filed."

Speaker Madigan: "Third Reading. Representative Bailey, did
you wish to move House Bill 6811? Mr. Clerk, what is the
status of the Bill?"

Clerk Mahoney: "House Bill 6811, a Bill for an Act concerning
sex offenders. Second Reading of this House Bill.
Amendment #1 was adopted in Committee. No Floor
Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Aguilar."

Aguilar: "Yeah, Mr. Speaker, I'd like to request to moving back
House Bill 4788 back to Second Reading."

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Speaker Madigan: "Mr. Clerk, on page 3 of the Calendar, there appears House Bill 4788. The Bill is on the Order of Third Reading. Put the Bill on the Order of Second Reading. Is Representative Coulson here? Did you wish to move House Bill 3922? The Lady indicates she does not wish to move the Bill. Hamos, did you wish to move House Bill 4099? It's concerned with energy conservation. The Lady indicates she does not wish to move the Bill. Mr. Saviano in the chamber? House Bill 4241. The Gentleman indicates he does not wish to move the Bill. Mr. Hannig, did you wish to move House Bill 4841? The Gentleman indicates he does not wish to move the Bill. Is Mr. Dunkin in the chamber? Dunkin. Mr. Dunkin, did you wish to move House Bill 4966? It's concerned with vehicles. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 4966, a Bill for an Act concerning vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Feigenholtz. Mr. McKeon. Mr. McKeon. Representative Coulson. Coulson, did you wish to call House Bill 3957 on the Order of Third Reading? The Lady indicates she does not wish to call the Bill. Mr. Phelps. Mr. Phelps, did you wish to call House Bill 3989? The Gentleman indicates he does not wish to call the Bill. Mr. Rita. Is Mr. Rita in the chamber? Monique Davis, did you wish to call House Bill 4071? 4071, it's concerned with hate crimes. Do you wish to call the Bill... on Third Reading? Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 4071, a Bill for an Act concerning hate crimes. Third Reading of this House Bill."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. What House Bill 4071 does is codify what the police departments currently do. It is required that the State Police forward to the Federal Government the number of hate crimes that are occurring in the State of Illinois and that are reported as such. I think this is legislation that is very timely and very needed, and I don't know of any opposition to the Bill."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, it's my understanding that the Illinois Sheriffs' Association opposes the Bill, not on the merits of the Bill, simply because they regard it as an unfunded mandate. Have they... have they talked to you?"

Davis, M.: "In Committee, absolutely no one was opposed to this legislation. I believe someone did speak, but they were in support of the legislation... because they currently make these reports. Our concern, Representative Black, was a newspaper alerted me over the summer that the number of hate crimes in Illinois that were reported to the Federal Government appeared to be lower than the number they reported in their newspaper. But what we found, Representative, was the police can only send the numbers to

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the Federal Government that they get and that it is the determination of the State's Attorney what the person is charged with. So, sometimes if the numbers are lower, it is perhaps because the State's Attorney did not charge the individual with the hate crime. But absolutely no one testified in opposition to the Bill. The police departments already do this. They're required by Federal Law, and we're merely codifying what they do."

Black: "Well, no, I think it goes far beyond that, Representative. You're not codifying current law. Current law says that the accumulation and statistical database of these crimes are dependant upon funding. And you're removing that language. Now you are telling these police agencies that whether or not you have the funding, you must collect and analyze and have available the data on hate crimes."

Davis, M.: "Representative, even without money, it is a federal requirement that these crimes are reported. It is required by the Federal Government that hate crimes are reported. So, even the person who did testify stated that it would not affect their budget. This data is collected."

Black: "Well, Representative, we have a conflict then, because our staff makes it very clear that the current law depends on the status of federal or state funding as to whether the Illinois State Police must collect and distribute this data. And in the absence of any federal or state funding, they then do not have to do that. It's...."

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Davis, M.: "Representative, it is required that hate crimes be reported to the State Government. It's a requirement. It already exists. It already happens. The State Government is required to report this to the Federal Government. It is not dependent on funding. It happens. It has to happen."

Black: "Representative, I... I appreciate the answers to your questions. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. I don't know of any way to, and in... in the time we have to get a clear and definitive answer. Staff on our side of the aisle says that the current law says that this information must be collected and disseminated by the Illinois State Police if there are sufficient federal funds or state funds to do that. Now this Bill says regardless of funding, you must collect, analyze and disseminate that information. I don't have any problem with that. And I know some police agencies do a very good job on the local level of doing this and I... I have no doubt that the Lady is very accurate that I'm sure state figures are not as accurate as they could be. But... but about two and a half weeks ago, the Governor made it very clear in his speech to this Body that if you're going to send me something that costs money to do, you're going to have to identify a funding source. And this Bill, and again, in all respect to the Sponsor, and I'm just relying on the expertise of our staff, is a... a considerable change in existing law. The existing law says the State Police shall analy... collect, analyze and disseminate the

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information if federal funding or state funding is available. Also the current law clearly says if that funding is not available, then the mandate is not a mandate unless the funds are there. This Bill says whether the funding is there or not, you must do this. We can't find a reference that the Federal Law preempts federal... in fact, we cannot find anywhere that the Federal Law says regardless of funding, you have to do that. It... if it's in there, we can't find it. So, this changes existing law and I'm simply saying what the Governor said two weeks ago, if you're going to send me an unfunded mandate, you'd better send me an idea on where to get the money. And it's for that reason and the reasons that I've tried my best to illuminate, I intend to vote 'present' on the Bill."

Davis, M.: "Representative, may... if this is currently the practice, these police officials are reporting the hate crimes to the State Police. The State Police is currently forwarding that information to the Federal Government, which is required. This Bill is not asking to increase any dollars, and that's why it didn't get any opposition in Committee. Your police officials were there. One of them did speak, and they were not opposed to this legislation. In fact, what one did say is this is our current policy. So, what we're doing is codifying, Representative, their current policy."

Speaker Madigan: "Mr. Black."

Black: "Mr. Speaker, I made remarks to the Bill and the Representative answered my remarks to the Bill. In light

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of that, I wish to again emphasize that I am in disagreement with her, fundamentally, on what this Bill does. Again, I tell you, I am going to vote 'present'. This Bill does change current law considerably. The current law says you do it if there is money to do it. This Bill, should it become law, says you will do it, regardless of whether there's any money, and I for one will stand here and say that the Governor said don't do that unless you plan to send me some way to raise the money. This is not a status quo Bill; it clearly eliminates funding language and says now you will do it, funding or not. That is a complete change in the current law."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Take the record. Has Mr. Wait voted? Mr. Wait. The Clerk shall take the record. On this question, there are 105 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of House Bills-Third Reading, there appears House Bill 4026. Mr. Clerk, read the Bill. Read the Bill, 4026."

Clerk Mahoney: "The Rules Committee will meet immediately in the Speaker's Conference Room. House Bill 4026, a Bill for an Act in relation to townships. Third Reading of this House Bill."

Speaker Madigan: "If anyone did not hear the announcement, the Rules Committee is meeting in the Speaker's Conference Room. So, if Members of the Rules Committee would go to

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the Conference Room. On House Bill 4026, the Chair recognizes Mr. Verschoore."

Verschoore: "Thank you, Mr. Speaker. Ladies and Gentlemen, what this does is it rewords the township funds whereby rather than one year on a lease... leasing program, and it extends it to two or to ten, I'm sorry. And as far as building a city hall or community center or whatever, it goes from five years to ten years and there... on referendums for requiring a township to lease for a period no longer than ten years instead of five years. There's no opposition to this Bill that I know of, and I would accept any questions at this time."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, our notes indicate that in committee you indicated you were going to file an Amendment to this Bill. Have you changed your mind? Or..."

Verschoore: "Yes."

Black: "...find that it's no longer necessary?"

Verschoore: "Yeah, we were going to have an Amendment, but we pulled the Amendment and run the Bill as... as it was first presented at committee."

Black: "So, the Amendment would change the definition of 'savings bank', but you did not add that, correct?"

Verschoore: "Right. I'm not asking for that."

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Black: "But you still have savings banks in the underlying Bill."

Verschoore: "Yeah, but there was different wording in there and there was some confusion over it, and we decided just to leave it out and run the Bill just like it was."

Black: "Correct me if I'm wrong, but I thought one of the... of the groups who monitor banking legislations, specifically the Illinois Bankers Association, had conditional support of the Bill dependent upon the Amendment to the Bill clarifying what a 'savings bank' is. Or am I wrong? I mean I..."

Verschoore: "That... you're right."

Black: "So, it would be fair to say then in the absence of the Amendment, the Illinois Bankers Association would not be in favor of this Bill?"

Verschoore: "I can't speak for them; I don't know."

Black: "All right. And again, it's your Bill and it's certainly your right to call your Bill. My only fear is that without the Amendment, you... I don't know that this... that the Bill references the Act... the... I don't even know what to say, I'm playing a lawyer here and I'm not one. It appears that without the Amendment, you're referencing a 'savings bank', which may not exist in that terminology in statute. And I think that's why they wanted the Amendment. But if you don't think that, it is certainly your Bill and your right to call it. So, I just... I just wanted to raise the question about notes we had in our file. And I'd

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appreciate the answer. At... at least you gave me a forthright answer. Thank you."

Verschoore: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. McKeon, did you wish to call House Bill 3857 on Third Reading? 3857. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3857, a Bill for an Act in relation to transplants. Third Reading of this House Bill."

McKeon: "Thank you, Mr. Speaker. House Bill 3857 is a Bill that has been worked out with transplant surgeons and other acute care medical personnel at the University... Northwestern University Medical School, University of Chicago and St. Luke - St. Pres. that deals with the transplantation of organs, solid body parts that are infected with HIV. Currently, under existing State Law, which made a lot of sense 20 years ago, the use of HIV-impacted organs is illegal and those organs are currently destroyed. Research over the years has taught us a lesson that an... a organ from an HIV impacted individual can save and prolong the life of another person also impacted by HIV. What this Bill does under strict guidelines is allow those transplants, and it has the support of the transplant surgeons, the statewide organization, rather Midwest

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organization that does transplant harvesting, as well as HIV-AIDS service providers and advocacy groups. There's no significant opposition to this Bill. And I urge your support."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, it's my understanding that even though you amended the Bill in committee, the Illinois State Medical Society remains an opponent to the Bill. And I've known you for some time and I know you're a man that seeks consensus. Do you think as the Bill moves forward there's anyway to reach an agreement with the medical society on their opposition?"

McKeon: "This... the short answer is 'no' and let me explain why. The Med. Society is not opposed to the substance of the Bill."

Black: "Right, right."

McKeon: "They have no problems with what the Bill attempts to accomplish. They asked me and put in writing a Committee Amendment that would deal with tort liability issues and indicate that there'd have to be willful and wanton misconduct, a very high standard, on the part of transplant surgeons with the harvesting group for civil action to ensue. And I chose not to introduce that Amendment, feeling that this was not the appropriate vehicle or Bill to raise that issue."

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Black: "I... I think it is important to point out that there is no known opposition to the Bill based on the substance of the Bill and what you're attempting to do."

McKeon: "That's correct."

Black: "There is opposition to the Bill based on the potential liability that a doctor or surgeon may encounter in such a procedure."

McKeon: "I don't think it's specific to this procedure, but general to the objective of the State Med. Society with respect to tort reform across the border."

Black: "Well, for example, hypothetical if you will. A doctor performs the procedure from an HIV-positive patient, puts a kidney in a patient HIV-exposed, goes well and rather than a prognosis of three, five, seven years of extra life, the patient suddenly deteriorates and dies within a year. Would it not be possible then for the family of the decedent to come back on the physician and say, 'I don't think you told us everything that we should have known; and therefore, I'm filing a lawsuit against you because we thought this would grant our loved one at least five years, maybe more. And it didn't work. So, you must have done something wrong or you didn't tell us the whole story and we're gonna sue ya.'"

McKeon: "That's not a... a guarantee..."

Black: "I... I understand."

McKeon: "...that a transplant..."

Black: "Yeah."

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McKeon: "...surgeon would make under any circumstances. And I think it's quite clear here that this is a last-stop measure used to save that person's..."

Black: "Okay."

McKeon: "...life who is imminent within, you know, imminently about to die and could not get a transplant otherwise."

Black: "All right."

McKeon: "It may buy that person five years. It may buy them five days. But there's certainly no warrantee to... or implication from the doctors that... that any time period would... would result from the transplant."

Black: "Larry, just... just one clarification, because I couldn't... couldn't actually see the language. I'm... I'm assuming that there is constructive notice to all parties concerned, that somebody isn't gonna wake up from the surgery and a week later the doctor comes in and said, 'You know, this liver will probably give you an extra 10 or 15 years. And oh, by the way, did I mention it came from a person who had died of HIV?' It requires constructive notice before the process, right?"

McKeon: "Absolutely."

Black: "Okay."

McKeon: "Absolutely. There... all of the warnings inherent, in fact, telling the patient with respect to your previous question that look there are no guarantees here. The thing we know..."

Black: "All right."

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McKeon: "...without... with... with some certainty is that you're not going to live more than two or three months..."

Black: "Okay."

McKeon: "...at the most and will not be able to get a transplant from the regular organ transplant network."

Black: "And if I understand the language, this does not open organs, because it's currently against the law to transplant an organ from an HIV-positive patient to a patient who is not HIV-positive nor has been exposed. The language is very clear. It would have to go from an HIV-positive person to a person either exposed to or also HIV-positive, correct?"

McKeon: "That is absolutely right."

Black: "All right. Thank you very much. As always you... I... I appreciate your forthright answers."

McKeon: "Thank you."

Speaker Madigan: "Mr. Brady. Brady."

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

Speaker Madigan: "Sponsor yields."

Brady: "Representative, this... this particular piece of legislation is... we're only talking about viable organs. We're not talking about tissue, eye cornea, anything along those lines. Only viable internal organs, is that correct?"

McKeon: "That is correct."

Brady: "Okay."

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McKeon: "And it... it excludes like all blood products, things that's controlled by the Federal Government, not the State Government."

Brady: "What... what is in... and obviously you've been working on this Bill and I can appreciate that. But, historically as Representative Black had indicated, the questions had always been that in the criteria that anyone exposed to things such as HIV, anyone hepatitis C, hepatitis B and the list goes on, would not be a candidate for any type of transplant, whatsoever. In other words... in other words, anyone that had been exposed would not be either a recipient or an individual that could possibly be a donor."

McKeon: "That is not correct."

Brady: "That is not correct?"

McKeon: "That is not correct."

Brady: "Okay. Go ahead... go ahead and explain that then for me."

McKeon: "For instance, you can receive a heart transplant. You're HIV impacted and you have a donor under current law who is non-HIV impacted. Transplant surgeons could do that transplant. They could do a liver transplant, a kidney transplant. However, the current law states that the donor is HIV-positive, those organs must be destroyed. What we know that is for instance if I wanted to donate a kidney, a portion of my liver to someone else who's HIV-positive, under State Law I couldn't do that. That would be a felony."

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Brady: "Right. So, that... that's what I'm trying to get at. Maybe... maybe you didn't hear it correctly. The individual, potential donor presently under the law would be excluded if certain criteria is not met, that being exposure to HIV, hepatitis B, et cetera. What I just said."

McKeon: "HIV... HIV only..."

Brady: "Right."

McKeon: "...under the law. Although hepatitis C, which is not covered by the current law, probably should."

Brady: "Okay."

McKeon: "This would..."

Brady: "Any... in any other type a lot of other things in the criteria would exclude someone from being a donor in tissue as well as organ. My other question is then we're... we're specifically talking about donation from a individual, in this case possibly we could say affected by AIDS, donating to another individual being the recipient who may be affected by the disease as well or another disease. Is that correct?"

McKeon: "That is correct. And the experience in Europe has been that these transplants seem to perform rather well and because of the immunosuppressed state of the recipient, the body does not aggressively fight off the transplant as it would in otherwise healthy recipients and donors."

Brady: "And if you could, and I know you've worked very... very tirelessly on this legislation, but the safeguards that would be in place to make sure that a effect... infected donor and/or organ does not come in contact with other

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viable means of donation, organs, whether that be the... the organ itself, blood by-products, whatever the case may be. What... what's in the legislation for the safety aspect of making sure there's no commingling, if you will, or confusion about the wrong organ going to the wrong person?"

McKeon: "That's right, in fact, that's why it's so very important that the... the Gift of Hope, which is the contract agency in the Midwest, that does the... they refer to it, it sounds crude to me, as 'organ harvesting'. It sounds almost like an auto shop, which I don't think that they mean. They... they have signed off. It was an issue that I raised with them. The universal barrier techniques, paramedics, firefighters, police officers, nurses, doctors and hospitals and for orthopedic surgeons even far more stringent barrier precautions are applicable under all cases. And whether you know the person's HIV-positive or hepatitis C-positive, those are required under each and every case. So, this... this Bill really makes no change in the proper medical precautions that should be taken on each and every case, regardless of whether you know that the person is positive or negative. And let me tell you just briefly why, because you're not measuring for the virus, you're not measuring for hepatitis C. You're only measuring for the antibodies, and that takes two to three months to develop. So, you have to... there are stringent procedures to make sure that doesn't happen."

Brady: "And I... I can appreciate that being in the field that we're talking about somewhat. But my... my concern still

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lies with then for that particular organ bank, if you will, Gift of Hope, whoever it may be, the ability for them to make sure there's not commingling of organs here that may be infecting someone who presently does not have exposure to disease. That's... that's my concern here."

McKeon: "That's right. The universe... the law requires that... that any transplanted organ, any transplanted organ, or candidate organ, must be tested for HIV. And current... under current State Law, those organs would be destroyed even though they may have the effect of prolonging... saving someone's life in the short term and prolonging their... their life for a period to come."

Brady: "I appreciate that and I still have a concern that we still have examples, read about cases to where the transplant, a particular organ or tissue that was not meant to be transplanted..."

McKeon: "Right."

Brady: "...it ended up being transplanted..."

McKeon: "Right, in fact..."

Brady: "...and causing greater harm."

McKeon: "...you... you're probably referring to..."

Brady: "And I know some of those..."

McKeon: "...the same..."

Brady: "...safeguards are there..."

McKeon: "...yeah..."

Brady: "This opens up to me a... a greater risk factor of in the laboratory settings and in the transplant settings of a greater potential, even though no one wants that to happen,

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of something mistakenly happening and... and that's my concern with the Bill, Representative. I certainly know you worked very hard on it. I'll listen to continued debate. I appreciate you addressing my concerns to the best of your ability. But I still have concern..."

McKeon: "Sure."

Brady: "...that we're opening up..."

McKeon: "But..."

Brady: "...a... a ri... higher risk factor of contaminated or commingling of organs. And... and I..."

McKeon: "No."

Brady: "I know there's laws in place about it, but we still read about the... the case studies of minute cases where something occurs that shouldn't have."

McKeon: "Yeah, in fact, let me respond to that, Representative. And I'm glad you brought that up. The one recent case that got a lot of national attention had to do with blood typing, that it was the wrong blood type because a procedure was not clearly identified and the receiving hospital didn't retest. But under current State Law in rules of the Department of Public Health, the donor must be tested, whether that is living or deceased, and then before the transplant is... is actually used to implant into another HIV-impacted client, there must be retesting or confirmatory val... evaluation from medical history, which serves the same purpose."

Brady: "Thank you very much."

McKeon: "You're welcome. I appreciate your questions."

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Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 95 people voting 'yes', there are 22 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentleman, if we could have your attention. If we could get... if we could have your attention, please. Could we have your attention on the committee schedule. We're very close to adjourning for today, and the committee schedule reflects committees for today. It also reflects recessed committees for tomorrow. As an example, tomorrow at 9:00 a.m. Human Services is a recessed committee and also at 12:00 noon, Transportation, State Government Administration and Judiciary I. Also at 1:00 o'clock, the Executive Committee. So, those are committees that didn't have enough time today or yesterday and they will have a recessed session tomorrow. All right again, Ladies and Gentlemen, we need your attention. We need your attention. All right, we need your attention. Everybody should have two yellow pieces of paper. One is stapled, the other is not. Everybody should have two yellow pieces of paper. One is stapled, the other one is not. And these taken together reflect the Bills where we will now move to suspend the posting requirements. Again, to avoid confusion and to avoid unneeded questions, please put these two documents in front of yourselves. Okay? And the

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Clerk... question. Mr. Myers needs a second piece of paper. All of these people need a second piece of paper. All of them. Okay. There are... there are people on the Democratic side that need the second yellow piece of paper. Every Member should have two yellow pieces of paper. One stapled and one not stapled. The... All right, do all Members have the yellow pieces of paper? All right, Mr. Davis needs a second piece of... the whole back row. Mr. Mapes, the whole back row needs the second piece of yellow paper. Mr. Stephens."

Stephens: "I'm... I'm confused. Is it the multiple sheet that has the staple or the single sheet?"

Speaker Madigan: "Let me check it out. I'll consult with my counsel. All right, if we're ready, Mr. Clerk, let's begin with the... the sheet with the staple. Mr. Clerk."

Clerk Mahoney: "For order of suspending the posting requirements. House... Motion to Concur with Senate Amendment #1 and 2 on House Bill 585. House Bill 3833. House Bill 4027. House Bill 4135. House Bill 4311. House Bill 4371. Amendment #2 to House Bill 4462. House Bill 4510. House Bill 4572. House Bill 4575. House Bill 4677. House Bill 4700. House Bill 4837. House Bill 4949. House Bill 5014. House Bill 5732. House Bill 5747. House Bill 6694. House Bill 6739. House Bill 6743. House Resolution 68. House Resolution 713."

Speaker Madigan: "And, Mr. Clerk, on the single yellow piece of paper, proceed."

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Clerk Mahoney: "House Bill 4271. House Bill 4457. House Bill 4622. House Bill 4650. House Bill 4677. House Bill 4720. House Bill 4723. House Bill 4763. House Bill 5037. House Bill 6616. House Bill 6691. House Bill 6760. House Bill 6874. House Bill 6840, I'm sorry, 6940. House Bill 6883. House Bill 7263. Senate Bill 1626."

Speaker Madigan: "Mr. Clerk, back on three from the bottom, it's... what's the number again, Representative Karen May's Bill? House 6983, correct? House 6983. All right, you've all heard the Bill numbers. The Motion by Mr. Hannig is to suspend the posting requirements to permit the hearing of these Bills in the committees as indicated on the yellow pieces of paper. Is there leave? Leave is granted. The posting requirements are suspended for the purpose of the Bills listed on the yellow pieces of paper. We've already referenced you to the committee schedule for this afternoon and for tomorrow. We plan to convene tomorrow at 2:00 p.m. And if I could... raise a favorite topic a little early, when we adjourn tomorrow, we'll be gone for two weeks. And... and... and I'm gonna miss all of you very much. When we return... when we return on that Tuesday that we return, we will start asking people for their first priority Bill. And then we'll go alphabetically. Mr. Acevedo will be the first one called. We'll go right down the alphabet. Everybody gets one Bill. Then we'll go to the second Bill. So, over the two-week break, please give some thought as to which Bill will be your first priority. All right, Mr. Hannig moves that the House stand adjourned until tomorrow

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at 2:00 p.m., providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And the House does stand adjourned until Thursday, March 4 at 2:00 p.m."

Clerk Mahoney: "House Perfunctory Session will now come to order. Committee Reports. Representative Hamos, Chairperson for... from the Committee on Housing and Urban Development, to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4439; 'do pass Standard Debate' House Bill 4285. Representative Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4195, House Bill 4330, House Bill 4338, House Bill 4403, House Bill 4458, House Bill 4833, House Bill 4881, House Bill 5076, House Bill 6567; 'do pass as amended Short Debate' House Bill 4006, House Bill 4086, House Bill 4539. Representative Reitz, Chairperson from the Committee on Agriculture and Conservation, to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4402, House Bill 5050; 'do pass as amended Short Debate' House Bill 3821. Representative Joe Lyons, Chairperson from the Committee on Financial Institutions,

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to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 5070 and House Bill 6740; 'do pass as amended Short Debate' House Bill 4179, House Bill 4495 and House Bill 6747; 'do pass Standard Debate' House Bill 5056. Representative Brosnahan, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4432, House Bill 5197; 'do pass Standard Debate' House Bill 2380; 'do pass as amended Short Debate' House Bill 4450, House Bill 4712, House Bill 5025 and House Bill 7026. Representative Flowers, Chairperson from the Committee on Health Care Availability and Access, to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 6750, House Bill 6769 and House Bill 7030; 'do pass as amended Short Debate' House Bill 7029; 'do pass as amended Standard Debate' House Bill 4059. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on Tuesday, March 02, 2004, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4478, House Bill 4963, House Bill 5026, House Bill 5075, House Bill 5928, House Bill 6863; 'do pass as amended Short Debate' House Bill

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4817 and House Bill 5925. Referred to the Committee on Rules, the following Resolutions: House Resolution 102, offered by Representative Aguilar. House Resolution 411, offered by Representative Younge. House Resolution 412, offered by Representative Younge. House Resolution 413, offered by Representative Younge. House Resolution 414, offered by Representative Younge. House Resolution 415, offered by Representative Younge. House Resolution 418, offered by Representative Granberg... and Senate Joint Resolution 16, offered by Representative McGuire. Senate Bills-First Reading. Senate Bill 2122, offered by Representative Acevedo. Senate Bill 2151... Senate Bill 2122, offered by Representative Acevedo, a Bill for an Act concerning vehicles. Senate Bill 2151, offered by Representative Brauer, a Bill for an Act concerning municipalities. House... Senate Bill 2156, offered by Representative Fritchey, a Bill for an Act concerning wildlife. Senate Bill 2172, offered by Representative Holbrook, a Bill for an Act concerning business regulation. Senate Bill 2190, offered by Representative Molaro, a Bill for an Act concerning taxes. Senate Bill 2285, offered by Representative Miller, a Bill for an Act concerning professional regulation. Senate Bill 2337, offered by Representative Granberg, a Bill for an Act concerning cable television. Senate Bill 2362, offered by Representative Dugan, a Bill for an Act concerning education. Senate Bill 2380, offered by Representative Bellock, a Bill for an Act concerning professional regulation. Senate Bill 2442,

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offered by Representative Holbrook, a Bill for an Act concerning municipalities. House... Senate Bill 2444, offered by Representative Holbrook, a Bill for an Act concerning schools. Senate Bill 2448, offered by Representative Hultgren, a Bill for an Act concerning children and families. Senate Bill 2453, offered by Representative Brauer, a Bill for an Act concerning vehicles. Senate Bill 2469, offered by Representative Holbrook, a Bill for an Act concerning domestic violence. Senate Bill 2528, offered by Representative Saviano, a Bill for an Act concerning education. Senate Bill 2560, offered by Representative Holbrook, a Bill for an Act concerning insurance. Senate Bill 2577, offered by Representative Fritchey, a Bill for an Act concerning alcoholic liquor. Senate Bill 2809, offered by Representative Chapa LaVia, a Bill for an Act concerning criminal law. Senate Bill 2810, offered by Representative Brauer, a Bill for an Act concerning schools. Senate Bill 2827, offered by Representative Mautino, a Bill for an Act concerning the Auditor General. Senate Bill 2830, offered by Representative Hultgren, a Bill for an Act concerning insurance. Senate Bill 2940, offered by Representative Miller, a Bill for an Act concerning public health. Senate Bill 2980, offered by Representative Nekritz, a Bill for an Act in relation to transportation. Senate Bill 3064, offered by Representative McGuire, a Bill for an Act concerning elections. Senate Bill 83... Senate Bill 3184, offered by Representative Fritchey, a Bill for an Act

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concerning vehicles. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or joint action motions was/were referred, action taken on Tuesday, March 3, 2004, reported the same back with the following recommendation/s: House Bill 585, of... offered by Representative Madigan, is referred to the Order of Concurrence. There being no further business, the House Perfunctory Session will stand adjourned."