

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

135th Legislative Day

5/27/2004

Clerk Mahoney: "House Perfunctory Session will now come to order. Introduction and reading of Resolutions-First Reading. House Joint Resolution 90, offered by Representative Hannig. First Reading of this House Joint Resolution. Reading of Senate Bills-Second Reading. Senate Bill 1400, a Bill for an Act concerning nutritional services for children. Second Reading of this Senate Bill. Senate Bill 2108, a Bill for an Act concerning accounting. Second Reading of this Senate Bill. Senate Bill 2239, a Bill for an Act in relation to insurance. Second Reading of this Senate Bill. Senate Bill 2578, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. Senate Bill 2788, a Bill for an Act in relation to public aid. Second Reading of this Senate Bill. Senate Bill 2847, a Bill for an Act in relation to public aid. Second Reading of this Senate Bill. Senate Bill 2924, a Bill for an Act concerning municipalities. Second Reading of this Senate Bill. Senate Bill 3069, a Bill for an Act concerning carnival ride operators. Second Reading of this Senate Bill. Senate Bill 3186, a Bill for an Act concerning human rights. Second Reading of this Senate Bill. Senate Bill 3192, a Bill for an Act in relation to executive agencies. Second Reading of this Senate Bill. Senate Bill 3199, a Bill for an Act in relation to state employees. Second Reading of this Senate Bill. Senate Bill 3342, a Bill for an Act making appropriations. Second Reading of this Senate Bill. There being no further

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business, the House Perfunctory Session will stand adjourned."

Speaker Hannig: "The hour of 2:00 having arrived, the House will be in order. The Members will please be in their seats. Members and guests are asked to refrain from starting their laptops. Turn off all cell phones and pagers, and rise for the invocation and for the Pledge of Allegiance. We'll be led in prayer to day by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. Reverend Crawford."

Pastor Crawford: "Let us pray as we go before His heavenly throne. Most precious and gracious God, who is the giver of life, Father, we humbly submit ourselves to You. We ask that You would grant to us a grace that is sufficient in all our doings. Grant us a peace that would pass all of our understandings and a spirit that is willing to do what it is we've been called to do. So, I ask this day that the grace of God and the preciousness of Your spirit that it would be with us throughout this day. That we would find through it peace, in it strength, comfort and that we would find wisdom and resolve through it. This we ask in Your Son's name. Amen."

Speaker Hannig: "And we'll be led today in the pledge by Representative Nekritz."

Nekritz - 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."

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

Currie: "Thank you, Speaker. Please let the record show that Representative Delgado is excused today."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Churchill and Watson are excused today."

Speaker Hannig: "Mr. Clerk, take the record. There are 115 Members answering the Roll Call, a quorum is present. Mr. Clerk, please read the Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 184; 'recommends be adopted' a Motion to Concur with Senate Amendments 1 and 2 to House Bill 742; a Motion to Concur with Senate Amendment 1 to House Bill 837. 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 Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'approved for floor for consideration' referred to the Order of Resolutions is House Joint Resolution 90, offered by Representative Hannig; 'approved for consideration' and referred to Second Reading, Senate Bill 955. On the Order of Concurrences, Senate Amendment #1 a Motion to Concur

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herein House Joint Resolution 34. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 324; 'recommends be adopted' Floor Amendment #3 to Senate Bill 943; Floor Amendment #1 to Senate Bill 1897; a Motion to Concur with Senate Amendment #1 to House Bill 718, House Resolution 973, House Joint Resolution 75 and House Joint Resolution 87. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Floor Amendment #1 to House Bill 722; a Motion to Concur with Senate Floor Amendment #1 to House Bill 2220; a Motion to Concur with Senate Floor Amendment #2 to House Bill 4612. Representative Hamos, Chairperson from the Committee on Housing & Urban Development, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 520. Representative Fritchey, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be

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adopted' Floor Amendment #1 and 2 to Senate Bill 2241; Floor Amendment #2 to Senate Bill 3186; a Motion to Concur with Senate Amendments 2 and 3 to House Bill 1080 and a Motion to Concur with Senate Amendment #1 to House Bill 4856. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 2404; 'recommends be adopted' a Motion to Concur with Senate Floor Amendment #2 to House Bill 1075. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #3 to Senate Bill 2299. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Senate Joint Resolution 75. Representative Daniels, Chairperson from the Committee on Developmental Disabilities & Mental Illness, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to House Resolution 413. Representative Monique Davis, Chairperson

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from the Committee on Appropriations-General Services, to which the following measure/s was/were referred, action taken on Wednesday, May 26, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to Senate Bill 3343 and Floor Amendment #1 to Senate Bill 3356. Representative Morrow, Chairperson from the Committee on Appropriations-Public Safety, to which the following measure/s was/were referred, action taken on Wednesday, May 26, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 3338. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 830; a Motion to Concur with Senate Amendment #1 to House Bill 831; a Motion to Concur with Senate Amendment #1 to House Bill 832 and a Motion to Concur with Senate Amendment #1 to House Bill 5157. Representative Rich Bradley, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measure/s was/were referred, action taken on Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Floor Amendment #1 to House Bill 578. Representative McCarthy Chairperson from the Committee on Illinois State Toll Highway, to which the following measure/s was/were referred, action taken on

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Thursday, May 27, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Illinois State Toll Highway Authority Committee Resolution."

Speaker Hannig: "On page 31 on the Calendar, under Motions in writing, House Bill 1269. Representative Eddy is recognized."

Eddy: "Thank you very much, Mr. Speaker. I wish to withdraw my Motion to reconsider on House Bill 1269. I also wish to indicate that I had intended to vote 'no' on that Bill. Thank you."

Speaker Hannig: "The Gentleman withdraws his Motion to reconsider. On Page 18 of the Calendar, under the Order of Concurrences, is House Bill 5415. Representative Connie Howard. Representative Howard on the concurrence Motion."

Howard: "Yes. Thank you very much, Mr. Speaker. I move that a... we approve the concurrence of that Motion that simply says that rather than the president of the board being able to have a replacement that there will be no designee."

Speaker Hannig: "Okay. The Lady moves that the House concur in Senate Amendment #1 to House Bill 5415. And on that question, the Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative, with Senate Amendment 1, can you tell me the role that the president of the Cook County Board plays in all of this?"

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Howard: "Well, the Cook County Board deals with the budget and makes certain that everything is financially okay for that particular agency. So, it was felt that there should be some representation on the board of the... the criminal authority."

Parke: "Well, how many county chairmen are there?"

Howard: "We're talking about the county board president in Cook County."

Parke: "How about other county... how about other presidents of boards or village boards and things like that?"

Howard: "Well..."

Parke: "Why do we zero in on just the Cook County Board?"

Howard: "Why did we zero in on that person and not include others?"

Parke: "Yeah."

Howard: "I don't have the foggiest idea why. Perhaps they did not ask to be included. This... this particular piece of legislation is only about that one person having a seat on that particular authority."

Parke: "Are these people going to have... are they gonna have... any salary?"

Howard: "It's my understanding that is not a salaried position."

Parke: "Are there... are they gonna get travel pay if there's any traveling to meetings back and forth and that last later into the evening? Do they get paid for meals?"

Howard: "I really don't have the answer to that, whether or not there will be travel expenses available."

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Parke: "Do you have any idea what the expense of this will be?"

Howard: "My understanding that there will no expense, just that someone addition... in addition to the persons who are already represented on the board, one additional person would be able to be represented."

Parke: "I still don't understand why it's necessary to have one more person. But that's the Bill. Thank you."

Speaker Hannig: "Is there any further discussion? Then Representative Howard to close."

Howard: "Yes, I think everybody has heard the... the debate and I just ask for 'aye' votes. Thank you."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 5415?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final passage. 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 87 voting 'yes' and 27 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. And Representative Dunn is recognized on House Bill 6760. Okay. Out of the record at the request of the Sponsor. Representative Bailey is recognized on House Bill 6811 on the Motion to Concur."

Bailey: "Thank you, Mr. Speaker. Senate Amendment #1... a Motion to Concur. The Amendment makes clear that for those persons who committed the qualifying crime prior to June 1, 1996, must only register if they are incarcerated on the

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effective date. In a prior analysis that we had.. this would exclude those prior offenses. I Motion to Concur. Take it out of the record."

Speaker Hannig: "Okay. We'll take this out of the record at the request of the Sponsor. On the Order of Concurrence is House Bill 578. Representative Turner. Let's take that out of the record. Representative Mitchell is recognized to concur... on a Motion to Concur on House Bill 830."

Mitchell, B.: "Thank... thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 830 is... I move to concur with the Senate. It extends the TIF from 23 years to 35 for the Village of Heyworth in McLean County. Appreciate an 'aye' vote. There's three different Bills."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 830?' All in favor vote 'aye'; opposed 'nay'. 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 114 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, for what reason do you rise? Did I cover up your name again?"

Black: "No. A..."

Speaker Hannig: "Thank goodness."

Black: "Yeah. A point of personal privilege on the Calendar, Mr. Speaker."

Speaker Hannig: "Yes, state your point, Representative."

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Black: "Yes. On page 33 of the Calendar, under Motions to Discharge committee, I would like to withdraw my Motion to Discharge on HJR 75."

Speaker Hannig: "So, the Gentleman moves to... the Gentleman withdraws his Motion to Discharge on HJR 75. Thank you, Representative Black. On page 16 of Calendar, under the Order of Concurrences, the Chair recognizes Representative Saviano on House Bill 2981."

Saviano: "Thank you, Mr. Speaker. Senate Amendment #2 reflects the companion Bill which we already passed out of here last week for the Illinois Acupuncture Association. It's an agreement between the Illinois acupuncturists and the Illinois Med Society, clarifying the referral process of... of patients to acupuncturists by physicians. This is an agreed Bill and I ask fo... that... we concur with Senate Amendment #2."

Speaker Hannig: "Yeah. The Gentleman moves that the House concur in Senate Amendment #2. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #2 and shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1553?"

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Clerk Mahoney: "Senate Bill 1553 is on the Order of Third Reading."

Speaker Hannig: "Return that Bill to the Order of Second Reading at the request of the Sponsor. Representative Mitchell on House Bill 831, under the Motions to Concur."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 831 I move to concur. Again, it's an extension of a TIF in the Village of Heyworth. There's three of them. This is the second of three. Extends it from 23 to 35 years and we have all the letters of support."

Speaker Hannig: "The Gentleman moves for the... moves that the House concur in Senate Amendment #1. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This is final passage. 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 113 voting 'yes' and 2 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. And now, Representative Mitchell on House Bill 832."

Mitchell, B.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is the third of three. Again, it extends the TIF in Heyworth, the Village of Heyworth which is in McLean County, from 23 to 35 years. And I would appreciate the House' support."

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Speaker Hannig: "So, is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 832?' All in favor vote 'aye'; opposed 'nay'. 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 112 voting 'yes' and 3 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Coulson is recognized on House Bill 4612, on the Order of Concurrence, page 17 of the Calendar."

Coulson: "Thank you, Mr. Speaker. House Bill 4612 is a Bill that you've seen several times. We're asking for concurrence to create the State Health Improvement Plan. It requires that a State Health Improvement Plan be delivered to the General Assembly and the Governor every four years. And I can answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #2 to House Bill 4612 and shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 113 voting 'yes' and 2 voting 'no'. And the House does concur in Senate Amendment #2. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 17 of the Calendar, Representative Morrow

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is recognized on House Bill 4856, under the Order of Concurrence."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur on Senate Amendment #1. As I began to explain yesterday, it amends the Rental Property Utility Service Act, requires a landlord whenever there's an agreement to do so to pay for any water, gas or electric service throughout the term of the lease and to do so in a timely manner so that there isn't any interruption in those service. It allows the tenant in the event of an interruption the option of terminating the lease. In the event of a termination of the lease the landlord would still be required for any services used on the term of the lease. I'll be glad to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 and shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bill Mitchell is recognized on House Bill 5157, on the Order of Concurrence."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5157 is an initiative of Representative Jim Watson who is ill today, so he asked me

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if I would present the Bill. Representative Watson is a veteran of Desert Storm and he sponsors this Bill which would create the Illinois Veterans' Home Fund checkoff on the 2004 income tax return form. And I would ask the House to concur in Senate Amendment #1."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 and shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 113 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bailey, did you have a chance to get caught up on House Bill 6811? Okay. So, the Lady from Cook, Representative Bailey, on House Bill 6811."

Bailey: "Thank you, Mr. Speaker. I Motion to Concur on Senate Amendment 1 to House Bill 6811. Basically, it changed the... the year requirement that it provides that persons who are at least 17 years of age at the time of the commission of an offense and convicted of first degree murder under the age of 18 before June 11, 1996, where... are required to register as a sex offender. And the previous Amendment was January 1, 1986. And I move to concur with this Amendment."

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Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur... excuse me, Representative Black.'"

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

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, I'm trying to get something clarified in my mind. If... if the murder occurs just as a result of violence, random killing, shooting, a school yard fight, whatever, is... is the sex offender an automatic addition to the crime or doesn't some sex crime have to be involved in the murder?"

Bailey: "I believe a sex crime has to be involved, Sir."

Black: "All right. 'Cause it was very unclear in the Bill and I just... I wanna make sure that if someone just simply is indicted, convicted of felony murder of a child, whether it be a drive-by or whatever, that if that person should get out of prison after 35 or 40 years that they then have to register as a sex offender if there was no underlying sex crime involved."

Bailey: "No, it has to be a offense with sex involved but it moved the year requirement. The crime that happened before June 1 of '96 where as before I believe I had it at 1986."

Black: "Thank you very much, Representative. I appreciate that clarification."

Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "She indicates she'll yield."

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Davis, M.: "Representative Bailey, this is for young people 17 and over or 17 and under?"

Bailey: "It... who is at least 17 years of age at the commission... at the time of a crime."

Davis, M.: "Well, let me just... let me ask this question. It says, currently the Illinois Sex Offender Registration Act deems that an individual convicted of murdering a child after 1996 be classified as a sex offender, so they don't really need that. If a person commits murder of a child they're classified as sex offenders?"

Bailey: "If they were convicted of first degree murder under the age of 18 prior to June 1, yes, of 1996."

Davis, M.: "They are sex offenders or they're child murderers, which one?"

Bailey: "If you're... it's a... if you are convicted of murder and the offense and it involves sex offense, yes, you are con... you have to register as a sex offender."

Davis, M.: "Okay, so your Bill changes it how?"

Bailey: "The time... the year. It moved it from June... January 1, 1986 to June 1, 1996."

Davis, M.: "So if they committed murder of a child..."

Bailey: "It actually stopped it from... it originally it would've went retroactive and we moved it up to 1996 so it would not pick up those prior offenses."

Davis, M.: "Okay, so you're saying even though they committed these crimes before 2004, we will go back and they will have to register as sex offenders if their crime was in reference to..."

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Bailey: "If you committed a crime in 2004 as a sex offender, you... you do have to register."

Davis, M.: "But you're saying we're gonna go back and pick up those who committed crimes by... since 1996?"

Bailey: "They have to register as a sex offender. Yes, Ma'am."

Davis, M.: "Okay. I'm gonna support your Bill but I believe... believe you may get charged with ex post facto, in other words committing a crime... I mean, setting a law for people who have already committed the crime. So, this will probably not, what shall I say, meet constitutional muster because it would be ex post facto. However, I do agree with your concept and I will support your Bill. But it's very unusual to pass laws against people who... for crimes they've already committed. And I do commend you for attempting to solve the problem of children who commit sex crimes. Representative, thank you."

Speaker Hannig: "Representative Bailey to close... to close."

Bailey: "Thank you and I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 6811?' All in favor vote 'aye'; opposed 'nay'. 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 the question, there are 112 voting 'yes', 0 voting 'no' and 2 voting 'present'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Turner. Is Representative... Turner prepared... Mr. Clerk... Yeah, there he

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is ...is recognized on House Bill 578. The Gentleman from Cook, Representative Turner. That's on page 14 of the Calendar, under the Order of Concurrences, House Bill 578. Mr. Clerk."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I apologize, I left the folder in my office but we're gonna do the best we can here from the floor. Amendment #1 basically deals with the time that... it deals with the funds from the Capital Litigation Trust Fund and it allows the State Appellate Defender's Office to be able to draw down monies from the Capital Litigation Fund as a result of a change in the death penalty reform Bill last year. I think it was House Bill 852. We changed the time framework in which one could apply for funds from the Capital Litigation Fund. This corrects that inequity. It does not increase the amount of money coming into the fund. It has no real fiscal impact. It just allows... it creates an oversight that was created as a result of the death penalty reform legislation that we passed last year. And I move for the adoption of Senate Amendment #1 to House Bill 578."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

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Black: "Representative, is this one of the funds scheduled to be 'swept clean' by the professional cleaning service on the second floor?"

Turner: "Representative, I'm not sure. I did get the same booklet that you got that listed about 200 or more plus funds. It may be in the consideration, but to answer your question, I think it's one that's been thought about. Let me put it to ya that way."

Black: "All right. And... and we're not expanding the use of the fund outside of capital litigation, in other words, we're not transferring this for operational expenses or other prosecution or other duties in the prosecutorial..."

Turner: "No."

Black: "...office. This is gonna be used for post trial work."

Turner: "That's absolutely correct."

Black: "That sounds like a great idea and if we pass it in a hurry we can put the money to use where it was supposed to be used."

Turner: "That's corr... that's absolutely correct."

Black: "I stand in strong support of the Bill."

Turner: "Thank you, Representative."

Speaker Hannig: "Is there any further discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Hannig: "He indicates he'll yield."

Davis, M.: "Representative Turner, you... when you changed the date in which a person can file, is this beneficial to them?"

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Turner: "I didn't hear you, Representative."

Davis, M.: "According to our analysis, the amount of time given to a person to file a petition is that... is this beneficial? Who is this benefiting?"

Turner: "This... this works, and for the most part it's helping the State of Appellate Defender's Office which would be working on the behalf of defendants. This fund is used by both the prosecutor and a defense attorney but it's in dealing with capital litigation cases. So death penalty cases would be where this fund would be utilized. What happens currently is that once they go through the... and I'm trying to think of the exact legal term. It... it..."

Davis, M.: "Okay. Thank you very much."

Turner: "Right. It just clarifies what is currently there at this point. And so it extends that period of time where these cases... it gives the ability a little... a little more time in terms of when they can apply for the use of funds from this Capital Litigation Fund."

Davis, M.: "And then if... if... I guess an inmate decides to file a petition, he has 3 years to file it?"

Turner: "In death penalty cases he has 3 years. I think in a nondeath penalty cases this would allow... right. He has 3 years if he chooses not to file a direct appeal. So, this would extend the time."

Davis, M.: "So, this last appeal that has to be filed within 3 years, is that an appeal to the U.S. Supreme Court or...?"

Turner: "What happens is, once a verdict has been issued the person can either file a direct appeal or he can..."

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Davis, M.: "But who is... who is... the 3-year deadline is for him to appeal to whom or what organization or what authority?"

Turner: "It's... it's the period of time that he has to file the petition. So, he has 3 years to file to ask for a post-conviction hearing on that particular case, to go back into his case. So in other words, if there was new evidence or something that came about during his appeal, that first appeal, this would still allow them the 3 year's time framework to then bring that new evidence up to..."

Davis, M.: "Currently, what's the time frame?"

Turner: "Currently, it's 3 years."

Davis, M.: "It's... it's 3 years now?"

Turner: "Right. It's 3 years currently."

Davis, M.: "So, we're... we're..."

Turner: "It doesn't change that... it doesn't expand that length of time. But it's when the 3 years start."

Davis, M.: "We're not lengthening it and we're not shortening it, is that correct?"

Turner: "No. We're just clarifying it, that's correct."

Davis, M.: "Do you think 3 years is enough time?"

Turner: "Right. Pardon?"

Davis, M.: "Do you think 3 years is enough time?"

Turner: "Well, that's... that's been agreed upon between defense attorneys and the prosecutors at the same time."

Davis, M.: "And the public defender's office is approving?"

Turner: "Right, they're all onboard on this."

Davis, M.: "Thank you, Mr... I mean, thank you, Representative."

Turner: "Yeah."

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Speaker Hannig: "Representative Granberg."

Granberg: "Would the Gentleman yield?"

Speaker Hannig: "He indicates he'll yield."

Granberg: "Representative Turner, I'm just curious, we have a situation in my district where the Capital Litigation Fund has been accessed by a defense attorney and his investigator so far to the tune of one and half million dollars and the trial is still ongoing. And the case has been pending for 7 years. This is four times the amount that's normally utilized in a capital litigation case. Are there... are there... do you plan to have any type of standard for withdrawal from the account in the future in terms of legislation, what standards a judge might use in which to make a payment to the defense attorney and/or the investigator?"

Turner: "I believe that it's already established what the procedure is in what the parameters are in terms of these funds. They're supposed to be reasonable and prudence (sic-prudent) and they're also determined by the judge before any of 'em are approved. And so, I'm familiar with the case that you speak of, I know that it's currently being reviewed at this point. But the way this fund was initially set up it's the judge who will determine as well as... before he... and approve any expenses before it's then sent on to the State Treasurer. Of course that situation is a little different in Cook County but it... it's not different in one sense that it still has to be approved by the county treasurer before it can then go on to the State

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Treasurer. So, the... the reasonable and prudent in terms of expenses is still a major factor and that does not change that."

Granberg: "Thanks, Representative. In fact, I would look forward to working with you on possibly definin' that a little further, because... and I think one of the problems we had in our situation was the judge was reluctant not to authorize the payment because he didn't wanna risk being overturned on appeal again. And I think that was the consideration, so when you talk about reasonable and prudent I think sometime the judge... the judge involved might be... might be worried about being overturned. So I appreciate your intention and look forward to working with you on it."

Speaker Hannig: "Any further discussion? Representative Lindner."

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

Speaker Hannig: "He indicates he'll yield."

Lindner: "Representative, we had a very thorough discussion about this I think in the Criminal Law Committee this morning. Is that correct?"

Turner: "Right. That's correct."

Lindner: "And almost everybody voted for this. Since this was part of the death penalty reform there are a lot more, let's say, watchdogs over the Capital Litigation Fund. Is that correct?"

Turner: "That is correct, Representative."

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Lindner: "And also, if there was... you had expert testimony this morning that this is needed in the post-conviction proceedings as well as training lawyers for trial."

Turner: "That is absolutely correct."

Lindner: "And this will not train... this will not affect the training of lawyers who want to do death penalty cases so that they are aware of all of the ramifications that go into that case."

Turner: "That's absolutely correct."

Lindner: "Thank you. I would urge support for this Bill."

Speaker Hannig: "Is there any further discussion? Representative Turner to close."

Turner: "Thank you, Mr. Speaker. You've heard the comments and questions asked earlier. And I just move for the adoption of Senate Amendment 1 to House Bill 578."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 578?' All in favor vote 'aye'; opposed 'nay'. 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 113 voting 'yes' and 1 voting 'no'. And the House does concur in Senate Amendment 1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black is recognized to concur on House Bill 718."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. In the absence of Representative Churchill, I would move that Senate Amendment #1... that we

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act to concur with that Amendment. The Amendment becomes the Bill. It amends the Vehicle Code and provides that a person whose driving privileges have been suspended for failure to pay a judgment files a petition for discharge in bankruptcy, the driving privileges shall remain suspended and not be renewed and a license not issued until he or she provides the required proof of financial responsibility. This was suggested by the Secretary of State. No one signed in in opposition and it cleared the Senate unanimously. I would be more than happy to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 718?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Burke is recognized to concur on House Bill 742. The Gentleman from Cook, Representative Burke. Representative Burke on the Motion to Concur."

Burke: "Thank you, Mr. Speaker and Members of the House. Senate Amendment #1 that I'm asking for concurrence on is regarding a grocery store that is a minimum of 31 thousand square feet of floor space in a single story building. The grocery store is located more than 90 feet but less than

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100 feet from a high school that opened in 1928. And the sale of alcohol is not the principal business. The Bill would allow the insurance, pardon me... the issuance of a liquor license at a premises in an outdoor patio area that is attached to the premises that is located in a municipality with a population of over 300 thousand and it is within 100 feet of a church. So long as the sale of alcohol is incidental to the sale of food, the sale of alcohol is not the principal business. Premises is less than 1 thousand square feet. The premises is owned by the University of Illinois. The premises is at least 20 feet but not more than 40 feet from the church space used for worship and the principal religious leader at the church has indicated his or her written support for the issuance of the license. And I'd ask for the Body's favorable consideration."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 742?' All in favor vote 'aye'; opposed 'nay'. 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 64 voting 'yes', 49 voting 'no' and 2 voting 'present'. And the House does concur in Senate Amendments #1 and 2 to House Bill 742. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Kelly is recognized on House Bill 837 on the Motion to Concur."

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Kelly: "Thank you, Mr. Speaker. I Motion to Concur House Bill 837 with the Senate Amendment to the House Bill. This Bill annexes land from Madison, Streamwood and Hoffman Estates to the Metropolitan Water Reclamation District. It also amends the district's leasing statute to extend its ability to lease property to institutions of learning. Current statute restricts this ability to institutions of higher learning. The district can also lease various properties with no current corporate use to park districts, municipalities, colleges and universities. This Amendment will allow the district to lease to any academic institution of learning and accommodate a high school wishing to lease district land. I can answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 837?' All in favor vote 'aye'; opposed 'nay'. 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 84 voting 'yes' and 31 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 18 of the Calendar, under the Order of Concurrence, is House Joint Resolution 34. Representative Turner is recognized. The Gentleman from Cook."

Turner: "Thank you, Mr. Speaker. This Resolution is a Resolution that deals with organ donor... organ donors and

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how that process is to work. Trying to... it was a Senate Amendment which changed the date in terms of when we were going to... let me apologize. It says that the date in terms of when the task force will report back to the General Assembly was 2003, but there was an Amendment that we attached which changed that date. And basically, we need this for clarification of how the organ donor program will operate. And I move for the adoption of House Joint Resolution 34."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Joint Resolution 34?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And the House does concur on Senate Amendment #1. And this Bill, having received a... this Resolution, having received a Constitutional Majority, is hereby declared passed. Representative Joe Lyons is recognized on House Bill 1080 on the Order of Concurrence, page 16 of the Calendar."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. I didn't realize we were gonna be doing this today but that's great that we are. Thank you. Senate Amendment #2 which was added in committee earlier today would add language to the security count definition by expanding the definition to include an investment management or custody account with a trust company or a trust division of a bank

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with trust powers. So, it was an initiative of the Illinois Bankers Association, an Amendment to the TOD Act, the Transfer On Death Act, that would make all... well, it is necessary to allow an investment management or custody account to have a beneficiary designation that will take affect upon the death of the owner. The bottom line is, as... if you were to purchase a securities instrument, you'd have a death beneficiary which would bypass the probate part of the county law and this would do the same thing for a trust department of a bank. Second part of this Bill, now the Senate Amendment #3 which we added was initiated by the Corporate Fiduciaries Association and provides related... and provisions related to anti-lapse provisions identical to House Bill 4594 which we passed by Representative Beaubien and the Senate... Senator Dillard introduced in the 93rd General Assembly. And this basically keeps us in... puts the Illinois Law in tandem and in... for the Federal Code. So, I'd be happy to answer any questions or if there are any or..."

Speaker Hannig: "Is there any discu..."

Lyons, J: "...Representative Beaubien would take the Second Amendment, if necessary."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendments 2 and 3 to House Bill 1080?' All in favor vote 'aye'; opposed 'nay'. 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 111 voting 'yes', 0

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voting 'no' and 3 voting 'present'. And the House does concur in Senate Amendments 2 and 3. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lang is recognized on House Bill 2220 on the Order of Concurrence."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. As I think some of you know, the nursing home industry, like others, have been beleaguered by costs. But the nursing home industry by statute has been locked into state reimbursement since 1999. So whenever they ask the state for reimbursement for legal costs that are supposed to be reimbursed, they get reimbursed as if it was 1999. This Bill would change that date to 2002, only for liability insurance. So, this industry, understanding that we have a real crisis on our hands, has not asked that we go to 2005 figures. They have not asked that we count all of their costs. They would just like their additional costs of liability insurance to be refrozen at 2002 levels. Their cost for liability insurance has gone up more than 300 percent since then and they ask us for this help. I know that all of you agree that despite some differences we may have on the value of nursing homes in Illinois, we can all agree that they're an important part of the health care resolution that we have. In many communities in Illinois nursing homes are thinking about closing, some have. We need to provide them this small bit of help to stay open. I would ask your concurrence on an Amendment that passed the Senate 59 to 0."

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Speaker Hannig: "On that the question, the Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "He indicates he'll yield."

Parke: "Representative, according to a flyer that I have here it says the budget impact on this legislation is \$18 million out of the General Revenue Fund. Is that correct?"

Lang: "I have heard 17 or 18 million dollars, but let me add that the department also said in committee today that they may just simply delay the payment cycle by 2 days. And by delaying the payment cycle simply by 2 days they won't have to worry about the cash. It'll just be into the delay."

Parke: "Well, why don't we just put this a budget item? Why don't we just appropriate it, put it in the appropriations? Why would we put in enabling legislation when this is a budget item? It should be part of the budget negotiations."

Lang: "I don't have an answer for that, Representative."

Parke: "Well, let me ask ya, a lot of times we have this as the Illinois Council on Long Term Care, the Illinois Health Care Association, Life Services Network are all in support of your legislation. But... right?"

Lang: "Correct."

Parke: "So... But when we find that we also find other people in our... in opposition. In committee, did anybody express concern about this?"

Lang: "Only the department and they said it was only simply a matter of cost. And after they raised the problem of cost

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they said, 'No big deal, because we'll just delay the payment cycle 2 days and pay for it.' So in the end, there was no debate relative to the public policy of it. It did receive 8 of the 9 votes in committee."

Parke: "Well, I can appreciate it and I.. these are all fine associations and everything but I have a concern that... this oughta be part of the budget process and not part of a legislation at this point in time. I just don't know how to deal with this with... legislation that obviously is needed, yet do we have the revenue to pay for it? The answer is, they'll... you delay it 2 days you add that to all the other financial problems that we're putting the Department of Public Aid and I just don't know where they're gonna get the money for all of this. And so, I think you should think about that and I don't... and I don't even know what the Governor will do with this. He may have to veto it. So, everybody should pay attention to this Bill. Seems like these are good organizations that want money but we have to ask ourselves where's the money gonna come from. And add this on to all the other financial problems and you start to compound a big financial problem that we have in the state's budget for this fiscal year. Thank you."

Speaker Hannig: "The Lady from Cook, Representative Mulligan."

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

Speaker Hannig: "He indicates he'll yield."

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Mulligan: "Representative, isn't it true that the 'no' vote in committee was from the main budget person for Human Services on your side of the aisle?"

Lang: "Actually, she didn't vote 'no', she voted 'present'."

Mulligan: "Okay. But didn't she say to you that this was a real budget stress at this point and it's a lot of money and how do you justify kind of bringing it..."

Lang: "What she..."

Mulligan: "...at this time."

Lang: "What she said was she didn't particularly like the Bill, but when the department indicated that they could take care of this without actual hard cash today and just simply delay the payment cycle for 2 days, the Representative voted 'present'."

Mulligan: "Well, Representative, we could say we wanna delay the payment cycle 2 days for this and 2 days for that, but eventually it happens that the bills are due and you have to pay 'em and there has to be money there. So how..."

Lang: "I would just... I would just simply ask you, Representative, when these nursing homes close where do you wanna put these people?"

Mulligan: "I'm sorry, what? Say again, I couldn't underst..."

Lang: "When these nursing homes close because of the costs that we've locked in at 1999 rates where are we gonna put all of these folks that are in these nursing homes?"

Mulligan: "Representative, I could be very disingenuous and say I'm not gonna vote for it or I could tell you I'm gonna vote for it because I don't care what we pass the Governor."

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The budget can be, ya know, \$3 billion more and he has to worry about it. That isn't very responsible, though, and it's very difficult, particularly when you do what I do year after year of having all the human service people come before you and then trying and picking... try to pick what's the most worsy... worthy cause when they are all worthy. But don't you feel the least bit... I'm trying to think of a good word. Don't you feel the least bit badly about bringing this so late in the Session when we have been discussing not having enough money for months and this has never been on the table before?"

Lang: "The answer is 'no' and I'll tell you why. As you know how strongly I feel about human service providers and how we need to provide more dollars to them. But none of... none of the human service providers that we care about were frozen by statute at 1999 levels. They have been frozen for 5 years at a certain level by statute. No one else has had that problem and they deserve a little relief."

Mulligan: "Well, so do a lot of other people. I mean, what's gonna happen to the people that we're forcing to go to fee-for-service? If we put a little more money in there it would be a little easier to go on it. So, we'll all vote for this 'cause it's a worthy cause and nobody wants to see a mail piece go out against you saying you're against the aged. And then we'll all figure out what to do with the budget and you'll stand up and be real good like you did the other day and not vote for the fees. And ya know what? You're in the Majority, it's your problem."

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Speaker Hannig: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I'm echoing some of the sentiments already expressed. I do have a concern about this Bill but will probably support it. But I do want to put on the record something very, very important for us to think about because hopefully, today we are going to vote on Senate Bill 2880, a comprehensive long-term care reform program. And that is the way we oughta be thinking about long-term care in the State of Illinois. When we are putting \$18 million into the nursing home side, which is really a \$36 million appropriation with Medicaid funding, we should also ideally be putting money on the community-based side of long-term care. That is the principle that Senate Bill 2880 stands for. And I think from this point forward, although this is a bad budget year, this is what we must do. And those of us who are standing here today and are willing to support this on behalf of the nursing home industry have... have a requirement from the nursing home industry that from this point forward they will support community-based alternatives to truly rebalance that system. And for all the nursing home operators who hear about this who are listening, we want you to know that we want you to be part of that approach, but if we're willing to support this half we have to have support for the other half. And that we... is a principle that we have to put on the record beginning today, each and every time. Thank you."

Speaker Hannig: "Representative Bellock."

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Bellock: "Thank you very much, Mr. Speaker and Members of the House. Just to the Bill. Today we had this Bill in Human Services and after a long discussion and everybody that is an advocate for the health care, the long-term care industry, for the first time that I've seen in 6 years, was all in support of something for their industry together. We realized what Representative Lang said, that in 1999 their rates were frozen at 80 cents per bed, per day. At the 2002 rates, it's up to \$2.59 per bed, per day. So, we agree with what Representative Hamos said, we worked hard on 2880 but we feel that we should support this issue because these people provide care to the neediest people in our society and that they need this legislation to help them during this year. Thank you."

Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. I wanted to see if the split screen worked if I stand close to my seatmate here. And I'd also like to move the previous question."

Speaker Hannig: "Okay. You're the last one seeking recognition. So, Representative Lang to close."

Lang: "Thank you for the debate. I appreciate an 'aye' vote."

Speaker Hannig: "And the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2220?' All in favor vote 'aye'; opposed 'nay'. 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 110 voting 'yes', 1 voting 'no' and 3 voting 'present'. And the House does concur in Senate Bill... in

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Senate Amendment #1 to House Bill 2220. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mautino is recognized on House Bill 1075."

Mautino: "Thank you, Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 1075."

Speaker Hannig: "So, the Gentleman moves to nonconcur in Senate Amendment #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House nonconcur in Senate Amendment #1. Representative Smith is recognized on House Bill 722. Is the Gentleman in the chamber? Representative Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. I move to concur in Senate Amendment #1. This is an issue that has been before us last year and has to do with the transportation of mental health patients by our county sheriffs. We passed legislation last year which would remove that responsibility from the sheriffs and unfortunately, the Governor vetoed that legislation because of the price tag. What's happened since then, we... in discussions between the Sheriffs' Association, the administration, the Department of Human Services, we've reached an agreement represented in this Amendment which will significantly reduce the cost to the state. The cost now would be approximately 1.2 million and we're hoping actually that we can dedicate some of the proceeds from the sale of the former Zeller Mental Health Center in Peoria into a special fund for this purpose. I know of no

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opposition to this legislation. It is an agreed Bill, as I said, with the administration, the Department Human Services. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 722?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Gordon, for what reason do you rise?"

Gordon: "Thank you, Mr. Speaker. Sir, I was recorded as a 'no' vote on House Bill 578. I would like to be recorded as a 'yes' vote on that legislation."

Speaker Hannig: "The record will reflect your intentions. And let's return now to House Bill 1075. Representative Mautino. The Chair's advised that you have a Motion to Concur with Senate Amendment #2 on House Bill 1075. So would you like to make that Motion?"

Mautino: "Sure. Thank you, Mr. Speaker. The Bill before us is House Bill 1075. A few moments earlier we had nonconcurred on the first Amendment. A lot of you have contacted me, that will be receded. This leaves the... the language here is... it will allow the Department of Insurance and the Office of Special Deputy to seek reimbursements based on estimation of case developments of known claims. And we

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had a full hearing on this. We've met with the... with the Minority Spokesman, Members of the committees. I know of no opposition. Appreciate an 'aye' vote."

Speaker Hannig: "Okay. Just for a clarification, the Gentleman just nonconcurrred with Senate Amendment #1 and now were going to... he has asked us to concur with Senate Amendment #2. Is there any discussion? Representative Franks."

Franks: "Thank you. Questioning parliamentary procedure?"

Speaker Hannig: "Yes. State your point."

Franks: "I understand that we've now nonconcurrred with Senate Amendment #1. I'm reading Senate Amendment #2 and the first line refers to Senate Amendment #1. And I'm wondering now if the way this Bill is written with Senate Amendment #2 whether it's gonna pass or whether it's gonna do what it wants to do. When you read this, Amendment #2 amends House Bill 1075 as amended with reference to page and line numbers of Senate Amendment #1 on page 1, line 4."

Speaker Hannig: "Okay. Let's take this Motion out of the record 'til we can clarify the... the status of how the Amendments line up. On page 8 of the Calendar... excu... Representative Mautino, for what reason do you rise?"

Mautino: "With leave of the Body, I would move to reconsider the nonconcurrrence Motion on 1075 for Senate Amendment #1."

Speaker Hannig: "Okay. So the Gentleman moves to reconsider the vote by which the House nonconcurrred in Senate Amendment #1 to House Bill 1075. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House

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reconsiders the vote. Representative Reitz is recognized on Senate Bill 797. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "Senate Bill 797 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank... thank you, Mr. Speaker. House Amendment #1 is... is the language we talked about, the Truth in Employment Act. The intent of this is trying to get to people that are not paying on subcontractors, not paying taxes into the State of Illinois. It's language that we worked on similar to a House Bill that we had earlier and heard in committee. And this becomes the Bill."

Speaker Hannig: "Is there any discussion? Representative Meyer on the Amendment."

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

Speaker Hannig: "He indicates he'll yield."

Meyer: "Representative, you said this was similar to a House Bill we had before. What Bill was that?"

Reitz: "House Bill 4883."

Meyer: "4883 and what happened there?"

Reitz: "Nothing, it's still... it's just still..."

Meyer: "I'm sorry I couldn't hear."

Reitz: "Because of the timing basically, we... the Senate is not hearing House Bills so we put this Amendment on a Senate Bill."

Meyer: "Okay. Who is opposed to this?"

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Reitz: "A number of... according to our fact sheet, the... a number of business organizations that I'm sure are listed on yours also."

Meyer: "And do you know why?"

Reitz: "In discussions with them, there... we... we've got down to really two concerns that they have that we were working on, tried to address those in an Amendment. And it did not come up to a complete agreement on that but one was the number of... the number of days. The Bill says that they will file the name of the subcontractor with the Department of Revenue on the first day, on the day that they actually hire that person. That will be addressed in Amendment #3. And the second part is what... and the second part, well, let me get Amendment #3... was the notice. They... they thought that we should have some type of hearing. It basically says and this was in committee with Representative Winters mentioned the process to have a hearing and we've also addressed that in Amendment #3. The third concern was not from the industry but from the committee. But what... I'll get to that in Amendment #3. But the two concerns that we had that would've had them go neutral, we've addressed one of those on the hearing and we're doing that according to the way the Department of Revenue would do... would proceed with the hearing. The... the other one about the number of days they would... they had requested and I can address this also in Amendment #3. But there's just two problems that... that the industry would've went neutral on, we addressed one of those. But the industry is still opposed to this

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because of the filing of when they have to file these reports."

Meyer: "Well... you... you mentioned 1 and 3, Amendments 1 and 3. What does Amendment #2 do? Just on 1? Okay."

Reitz: "We can... we're still on 1. But the concerns that the industry had in trying to work out with them they would've went neutral on these two issues that are addressed in number... Amendment #3, we weren't able to accommodate them, the industry's request on one of those issues. But... so they're... so they're still opposed. They're still opposed to that. I think the industry, in discussions with them, overall they think that this is something that is good. They just have a problem with the way they have to report it now. But... and they think their... the Amendment that they offered would've made it easier and better for the people that actually comply with the law."

Meyer: "Well, Representative, I thank you for asking or answering the questions I've asked. We may revisit some of the subject matter on Third Reading when this comes."

Reitz: "I think that'd be easier once we get the entire Bill put together."

Meyer: "Okay. Thank you."

Speaker Hannig: "Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #2 offered by Representative McKeon has been approved for consideration."

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Speaker Hannig: "Representative McKeon."

McKeon: "Sorry, Mr. Speaker, I was looking for my notes. House Amendment #2 makes two administrative changes to the law. It amends the Child Labor and Day and Temporary Labor Services Enforcement Fund to include the phrase 'prevailing wage'. This is a request by the Attorney General and we'll make it consistent with federal legislation, allows 40 percent of the civil penalties recovered under the Prevailing Wage Act to be deposited into the fund for purposes set forth in the Child Labor Law. It does not make any change to civil penalties, fees, or fines. And additionally, this Bill does not change or make any appropriations. I'd appreciate your support in adopting Amendment #2."

Speaker Hannig: "On the Amendment, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Question to the Sponsor."

Speaker Hannig: "Indicates he'll yield."

Meyer: "Representative, in... in... in committee the Sponsor, I would assume it's you, testified that this was not germane to Amendment #1?"

McKeon: "I... Representative, I can't hear you, maybe the Speaker can get a little order in the chamber. Mr. Speaker."

Meyer: "Yes. Representative, according to my notes here we indicate that the Sponsor, who I assume was you, in committee testified that Amendment #2 had nothing to do with Amendment #1, which brings to mind a questions of germaneness."

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McKeon: "Yes. We did find that put the Amendment germane to the Bill but addresses a different subject within the same title."

Meyer: "Could we have an official ruling of... from the Chair, please?"

Speaker Hannig: "So, we'll have the parliamentarian look at the Amendment for germaneness, Representative. Are there any other questions you'd like to raise while he takes a look?"

Meyer: "I don't have any other questions, so perhaps we could just hold up on the..."

Speaker Hannig: "We will do that."

Meyer: "...adoption until..."

Speaker Hannig: "Okay."

Parliamentarian Uhe: "Representative Meyer, on behalf of the Speaker in response to your inquiry, I believe the question was whether Floor Amendment 2 is germane to the Bill as amended by Amendment 1. And... and the answer that it is germane, Floor Amendment 2, dealing with prevailing wage and labor issues and the underlying Bill as amended dealing with labor and employment issues as well. So the Amendment is in order."

Speaker Hannig: "Any further discussion? Then all... all in favor of the Amendment say 'aye'... excuse me, Representative Black."

Black: "Inquiry of the Chair, Mr. Speaker."

Speaker Hannig: "Yes, state your inquiry."

Black: "At the present time, we're just dealing with Floor Amendment #2 to the Bill, is that correct?"

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Speaker Hannig: "That's correct."

Black: "All right. I'll... I'll... I appreciate that. I'll confine my remarks to the Bill. Thank you."

Speaker Hannig: "Okay. All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Reitz, has been approved for consideration."

Speaker Hannig: "Representative Reitz on Amendment #3."

Reitz: "Thank you, Mr. Speaker. Amendment #3 was discussed a little bit, previously. It changes the reporting period from one day to three days after the subcontractor is hired. And it also changes language that we addressed in committee at the request of some of the committee Members and the industry that sets up procedures for hearings and they shall be in acco... in accordance with the Illinois Income Tax Act. The third change replaces the million dollar reserve that's in the Bill with the language that the monies necessary for the department to carry out the powers and duties of this Act. And I'd be happy to answer any questions."

Speaker Hannig: "Is there any furth... is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading."

Speaker Hannig: "Mr. Clerk, would you read the Bill."

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Clerk Mahoney: "Senate Bill 797 has been read a second time, previously. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. We've... we've had a little bit of debate on this. This is... this is the... the intent of this is to create the Truth in Employment Act. It's to try and go after subcontractors that are not paying taxes is the main intent of this Bill. Tried our best in... in negotiations with the industry not to penalize the contractors that are doing... doing their job and paying taxes and are good employers. We have with... with the industry we've included language that would... that would specify that the information for... by Revenue be confidential. One of the other changes we've taken out an unsuccessful bidder lawsuit. We've changed language from Revenue, a number of things from Revenue, but for the industry's part we've made a number of different changes we moved through. Industry would have been neutral on this was our indication had we been able to make the filing period at the first of the year and then quarterly thereafter and then every three days for anyone that violates the Act. The Amendment that we ended up with was basically that everyone would file three days after they hire a new subcontractor. So, I think this Bill will help take care of... of contractors that have subcontractors that are not paying taxes to the State of Illinois. And that's what we're trying to address and I'd be happy to answer any questions."

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Speaker Hannig: "Mr. Clerk, would you read this Bill please."

Clerk Mahoney: "Senate Bill 797, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Hannig: "And the Gentleman on... is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes. State your inquiry."

Black: "Would the Clerk enlighten the Members of the Body as to what the fiscal note that we requested on the Bill says?"

Speaker Hannig: "Mr. Clerk, can you read the fiscal note? Okay. Representative Black, the Clerk is searching for the fiscal note and coul... would you like to proceed with some other questions?"

Black: "No, I would not. If the fiscal note is not in the file I would ask that you take the Bill out of the record. We clearly asked for a fiscal note. I assume one has been filed or the Bill should not have been moved to Third Reading."

Speaker Hannig: "I'm advised, Representative, by the Clerk that it is filed. That... there just..."

Black: "That's... that's strange. It's filed, but nobody can find it."

Speaker Hannig: "Okay. Why don't we take Representative Black's advice and take this out of the record and we'll come back to it in a few moments, Representative Reitz? Okay?"

Reitz: "Okay."

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Speaker Hannig: "I'm advised that a former Member, Judge Kent Slater, has joined us and he's over by Representative Daniels' desk. And welcome back to the chamber. On page 10 of the Calendar, Mr. Clerk, is Senate Bill 1906. Representative Slone? There she is. Representative Slone, would you like to move it from Second to Third? Mr. Clerk, read the Bill. 1906. Senate Bill 1906. Page 10 of the Calendar."

Clerk Mahoney: "Senate Bill 1906 has been read a second time, previously. No Committee Amendments. Floor Amendment #3.. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, offered by Representative Slone, has been approved for consideration."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We've discussed this Bill on several occasions. With Amendment 3, which removes one paragraph of the Bill, the last remaining objections to the Bill are handled and there is no remaining opposition to the Bill. I would appreciate your positive consideration."

Speaker Hannig: "And on... on a Floor Amendment #3, the Lady moves for the adoption of the Floor Amendment. And the Gentleman from Vermilion, Representative Black, is recognized."

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

Speaker Hannig: "She indicates she'll yield."

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Black: "Representative, is this the Amendment deleting Section H of the Bill?"

Slone: "That's correct, Mr. Black."

Black: "Okay. Thank you. Mr. Speaker, to the Amendment. Ladies and Gentlemen of the House, I commend the Representative for working with all interested parties. She had made a commitment that she would do her best to add an Amendment to not eliminate but alleviate as many of the concerns as she could of those entities that had a problem with the Bill. And she has made a good faith effort to do that and I commend her for doing so. I stand in support of the Amendment."

Speaker Hannig: "Any further discussion? All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "Senate Bill 1906, a Bill for an Act in relation to executive agencies. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1906 has appeared before this chamber previously as House Bill 6848. It does create a task force that will look into the possibility of providing priority funding for local governments that work together to plan their land use and transportation. I would appreciate your 'aye' votes."

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Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 110 voting 'yes', 5 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, let's return to Senate Bill 797 and you've read the Bill. Is that correct, Mr. Clerk? Okay. So, we're..."

Clerk Mahoney: "Senate Bill 797 is on the Order of Third Reading."

Speaker Hannig: "Okay. Representative Reitz is recognized on House... on Senate Bill 797."

Reitz: "Thank you. It's good to get back to this. And the fiscal note has been filed. I could probably answer that, also. Do you want the Clerk to read the notes or...?"

Speaker Hannig: "Well, why don't you go ahead and open and then we'll allow Representative Black and others to ask questions."

Reitz: "Thank you. Let this Bill be open."

Speaker Hannig: "Is there any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. I appreciate your indulgence. I assume that the Clerk has found the fiscal note. Could he enlighten us as to what the fiscal note said?"

Speaker Hannig: "Mr. Clerk, would you read the fiscal note."

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Clerk Mahoney: "Fiscal note on Senate Bill 797 from the Illinois Department of Labor. Amends the Prevailing Wage Act. Provides that 40 percent of the civil penalties recovered under the Amendment shall be deposited into a Child Labor, Day and Temporary Labor Services and Prevailing Wage Enforcement Fund. Amends the Child Labor Law and the State Finance Act to change the name of the fund to provide monies in the fund may be used under activities and purposes related to the enforcement of a Child Labor Law... enforcement of Child Labor Law, the Day and Temporary Labor Services Act and the Prevailing Wage Act."

Black: "And the cost estimated was?"

Clerk Mahoney: "It's... administrated of this Act would require no additional cost."

Black: "Well, I'll be doggone. Thank you. Representative, would you... would you enlighten me? The fiscal note as prepared by the Department of Labor said they weren... they would incur no cost. Could you enlighten me as to how that might be?"

Reitz: "Ther... there are... there's a process in here for the employer to pay fines, if they're fined in violation of this. And just for the record too, I'd like to actually be able to say open this Bill on every Bill if that's okay. If you could, check on that. But..."

Black: "Well, would... would you agree with me that perhaps the Department of Labor said there's no cost because the Department of Labor has nothing to do with this Bill. This

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Act... this Act is administered by the Illinois Department of Revenue."

Reitz: "Now... now that you've clarified that, it... it is... that is true."

Black: "Oh, well, okay. Thank you, Representative. Since we have a fiscal note that says there's no fiscal impact and that's true because the Department of Labor doesn't administer the Act, I wonder what the Department of Revenue would say as to how much this Bill might cost. But I don't think we'll ever find out. Let me ask you a question, Representative. I respect your judgment, you've been around for a while. Have we ever had a protracted legal battle on the true definition of an 'independent contractor'?"

Reitz: "I haven't. So..."

Black: "Well, the State of Illinois has had a protracted battle. I think it was finally settled. It arose from a case out of the Illinois Department of Employment Security dealing with truck drivers and whether or not certain truck drivers could be classified as independent contractors. So, what... what legal expertise is now included in this Bill that will make sure that an independent contractor is an independent contractor but may not be an independent contractor? Or are we headed back to court?"

Reitz: "The... the department... and well, once when they promulgate rules they will have that. But contractor is... is responsible for basically saying these people work for me. These are independent contractors that... that are not

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part of my firm and they... and they worked on this job for...
for my contracting agency."

Black: "And what department will promulgate those rules?"

Reitz: "Department of Revenue."

Black: "Oh, the department that doesn't have any cost estimate. Well, thank you, Representative. Representative, you are very honest in... in your answers and I appreciate that. And I, like you, wish this Bill would go away. And to that issue, Mr. Speaker, if I could, to the Bill. Ladies and Gentlemen of the House, I don't know how... how you're gonna vote on this Bill. I suspect I know but... This is one of the things that bother me about the process, and the process is important to me. I don't take myself very seriously but I really take this process seriously and it can be a remarkable thing to take part in or it can be somewhat of a charade. We have a fiscal note that says there's no cost prepared by an agency that has nothing to do with the Bill. The agency that will promulgate the rules and enforce the Act did not, for whatever reason, submit any fiscal note whatsoever. There will be a fiscal cost, we all know that. I would submit to you that those of us who have been here awhile can tell you the last time we tried to get into this on... on whether or not certain truck drivers could be classified as independent contractors there was a protracted legal battle on that very issue and definition. And there was a protracted legal battle on whether or not an independent contractor, driving a truck, subcontracted to a contractor would be

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eligible for unemployment insurance benefits, and that dragged through the courts for 3 or 4 years before we had a definitive answer. I would submit to Members on both sides of the aisle regardless as to whether you think this a labor issue or a management issue or whatever. To me, it goes beyond all that. It's an issue that goes to the heart of the process. What is the true fiscal cost? Why didn't the agency that promulgates the rules and will administer this Act, why didn't they give us a fiscal note? And one could say, well perhaps they weren't asked. But that's, again, a part of the process that I think we should try to protect as best we can. And since this Bill seems to have gone over, around, under and every other aspect you can think of the process, I intend to vote 'no'. I would ask you to vote 'no' as well."

Speaker Hannig: "Representative Monique Davis."

Davis M.: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Reitz since he has such an excellent Bill. Thank you."

Speaker Hannig: "Is there any further discussion? Representative Reitz to close. Representative Reitz, you can now close."

Reitz: "Thank you. We shall now close this Bill. Thank you. No, I appreciate it. I think this does go a long way. We've had a good negotiations with the industry trying to craft a piece of legislation. As I said, I think other than one point... one point on the filing when... when the people file on this, had we been able to accommodate that

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we would've... the industry would've went neutral on this Bill. I will appreciate the concerns and the... the questions and will, ya know, we'll try to talk with the Senate Sponsor and make sure that they address the... the fiscal impact from the Department of Revenue, but I appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 45 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Is Representative Saviano in the chamber for Senate Bill 2108? Okay. Well, let's move down the Calendar to Senate Bill 2247. Representative Dunkin. Mr. Clerk, read the Bill. Okay. Representative Dunkin, we're advised that there's still a Motion to Table remain... that's in the Rules Committee. So we should probably wait on this Bill until the Rules Committee sends your Motion out and then we can come back to it. Okay? Okay. So let's return to, Mr. Clerk, to Senate Bill 2108. Read the Bill, please."

Clerk Mahoney: "Senate Bill 2108, a Bill for an Act concerning accounting. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

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Speaker Hannig: "Third Reading. Okay. So we moved that Bill to the Order of Third Reading. Mr. Clerk, read Senate Bill 2299."

Clerk Mahoney: "Senate Bill 2299 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #3, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #3 is pretty much a cleanup of Floor Amendment #1 or Committee Amendment #1. It's technical in nature, was recommended for adoption in committee this morning. And I ask that we adopt Floor Amendment #3 to Senate Bill 2299."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2299, a Bill for an Act in relation to fireworks. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2299 as amended, is a... is a... will be a law specific to the pyrotechnic industry. It provides for licensing of the pyrotechnic distributor as well as the current regulation of lead pyrotechnic operators only. This will increase safety of pyrotechnic displays that are critical to

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accountability in the regulation, distribution, and safety of fireworks. And I would ask for your approval of Senate Bill 2299 as amended."

Speaker Hannig: "Is there any discussion? The Lady from Cook, Representative Krause."

Krause: "Thank you, Mr. Speaker. To the Bill. I had concerns when this Bill was in committee. As a matter of fact, I opposed it. And my concerns were that in this area now a pyrotechnic and... and the fact that there can be available fireworks that can be done indoors. The legislation does provide that in any place where this is done there are to be sprinklers. In contacting my local fire chief in Mount Prospect, he made it very clear that Home Rule does provide that not only do they get to sign the permit which the fire marshal is to pass on and issue but also that the state statute also provides that nothing can prohibit... prohibit the issuer or the permit from adopting more stringent rules. And with that also in the statute, I think that it is clearer that our local governments can on top of the licensing now that has been granted to very clearly issue the type of standards that they want. However, the discussion in the committee also said that we would proceed to look at perhaps defining exactly further discussion on the... on where these... sprinklers can be and I would hope that that discussion would go forth. But I do rise in support now of the legislation."

Speaker Hannig: "The Gentleman from Knox, Representative Moffitt."

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

Speaker Hannig: "He indicates he'll yield."

Moffitt: "Representative, just a couple questions. Does... does this legislation change any fee if it's already in place?"

Saviano: "No."

Moffitt: "Does not. And is there an exemption for... this does not require a small community that has... community like at Fourth of July they raised money for fireworks by donation, it doesn't cause them to have to get a license, does it?"

Saviano: "No."

Moffitt: "They... they could... like... might be Jaycees or fire department or some other civic group. They would set off..."

Saviano: "No, they..."

Moffitt: "They can continue to do that as they have in the past?"

Saviano: "No, either they would hire a licensed pyrotechnic expert or they... they'd have to hire someone's licensed to do this. And then the local control would regulate it also."

Moffitt: "Well, a lot of communities have their own groups that have put on the fireworks for years. Are they prohibited now under either last year's legislation or this or are they exempted?"

Saviano: "No... no, no, that wouldn't be affected."

Moffitt: "It would not be changed?"

Saviano: "Yeah, just license. No, it has not changed."

Moffitt: "So, they could continue on as they have."

Saviano: "Yes."

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Moffitt: "Thank you."

Speaker Hannig: "Any further discussion? Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker. This is supported by the Illinois Fire Chiefs' Association, the fire protection districts, the Illinois Fire Safety Alliance, the Illinois Fire Inspectors' Association. I think everybody's been able to participate in this Bill and I would ask for your support."

Speaker Hannig: "The question is, 'shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 106 voting 'yes' and 8 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2617."

Clerk Mahoney: "Senate Bill 2217 (sic-2617) has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Floor Amendment #2 to Senate Bill 2617 is a cleanup Amendment. There's no opposition to it. I'd ask that we adopt Floor Amendment #2 to Senate Bill 2617."

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Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2617, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Senate Bill 2617 as amended is an initiative of the Illinois Optometric Association. The Department of Insurance has no position. The Illinois Association of Ophthalmology is neutral. This is a Bill that we needed to put some language in to keep up with the trends of the profession by adding certain words or services that would be allowed under the Act. And I would ask that we pass Senate Bill 2617 as amended."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 2547 for Representative Slone. Representative Slone, 2547."

Clerk Mahoney: "Senate Bill 2547 has been read a second time, previously. A Motion to Table has been approv... commit... to

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table Committee Amendment #1 has been approved for consideration."

Speaker Hannig: "Representative Slone, on the Motion to Table."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. I move to table Amendment 1."

Speaker Hannig: "The Lady moves to table Amendment #1. Is there any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the... and the Motion carries and the Amendment is tabled. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "Senate Bill 2547, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill makes a change in the law regarding the experience rating of employers under the Unemployment Insurance Act if they get an increase in their rating because the employer is actively on duty with the air... with the Illinois National Guard or the Armed Forces. Under the current law, an employer who has to lay off some of their employees because the employer is going into active duty service may have their experience rating and their in... therefore their insurance payment raised when they come back from serving in the our Armed Forces. And we would

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like to change the law so that that no longer occurs. I would be happy to answer any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative, we have a note here that you were gonna hold this on Second to follow the agreed Bill process. Has the business community signed off on this now?"

Slone: "I'm sorry, Mr. Parke, what was your... I couldn't hear the end there. What was your question?"

Parke: "Has the business community signed off? Have all parties agreed that this is acceptable under the agreed Bill process?"

Slone: "I believe so, Mr. Parke. I think that the problem was primarily with the Amendment which we just tabled. And I think without that language everyone is fine with the Bill."

Parke: "So, that's your opinion now that it's okay and it's in a form that's acceptable to the Body."

Slone: "That's my understanding, yes."

Parke: "Thank you."

Speaker Hannig: "Representative Currie."

Currie: "I have an inquiry of the Chair. The Calendar seems to say that there was a Motion to Table Amendment #1 and that the... that that Motion was recommended for adoption but I don't see that we tabled the Amendment."

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Speaker Hannig: "We just did table the Amendment, Representative Currie. Then we moved the Bill to Third..."

Currie: "Just now?"

Speaker Hannig: "Yes."

Currie: "Okay. Thank you."

Speaker Hannig: "And we're reading it on Third. Okay. Is there any further discussion? Then Representative Slone to close."

Slone: "I would appreciate your 'aye' votes. Thank you."

Speaker Hannig: "The question is, 'shall Senate Bill 2547 pass?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 2788."

Clerk Mahoney: "Senate Bill 2788, a Bill for an Act in relation to Public Aid. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Representative Turner? Representative Turner, do you wish this to move to Third Reading? Okay. Third Reading. And on page 4 of the Calendar, under the Order of Senate Bills-Third Reading, is Senate Bill 728. Representative Joyce, 728. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 728, a Bill for an Act in relation to civil procedure. Third Reading of this Senate Bill."

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Speaker Hannig: "Representative Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 728 allows companies that have billboards to get fair market value when municipalities come in and decide to take those billboards down by using zoning changes. This is not eminent domain cases, it does not affect eminent domain. It is only in zoning cases. It... it protects companies' assets and allows them to receive fair market value for their loss. I'd be happy to answer any questions."

Speaker Hannig: "And on that question, the Gentleman from McHenry, Representative Franks."

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

Speaker Hannig: "He indicates he'll yield."

Franks: "Representative Joyce, nobody wants to see expropriation without remuneration, but I'd like to know what the fair market value... Isn't that a good word, I learned that in college, twice. But how are... how was one determining the fair market value? What's the amortization schedule? Is it based on the length of the most recent contract or is it based on some other factor?"

Joyce: "It's the length of the existing contract in place..."

Franks: "That's..."

Joyce: "...and the value of the land."

Franks: "Well, the value of the land is really noth... I mean, there's very little land used for a billboard. It's, ya know, probably 20 square feet if you're looking at that

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bottom. But are you looking at... really at just the contract term?"

Joyce: "Well, it depends on... it depends on what the zoning change does, Representative Franks. It'll be..."

Franks: "Well, let's assume for the sake of argument that the zoning disallows future billboards, okay, in that area. I can tell ya, in McHenry County, we have a blight of these things. Other counties have been much more proactive and they've limited where these can go, but in McHenry County it's everywhere and it's really an eyesore. So, let's assume for the sake of argument that McHenry County tomorrow determined that we're not gonna have anymore billboards. How would this Bill affect that decision?"

Joyce: "Well, if they... if they did... if they did... did away with billboards through zoning changes, right now, as it stands today, those billboards would have to stay up for a minimum of 5 years, period. It would go through a court process, negotiated and they would get time, as opposed to if this Bill were to pass, they could come down tomorrow after fair compensa... compensation was negotiated between the two parties."

Franks: "Okay. So, what you're doing here is shortening the time frame to take down these billboards, if a... if a county would so choose."

Joyce: "If a county would so choose to provide fair... fair market value compensation at the time, as opposed to the existing process which just allows the billboard company to continue to have the billboard up for the length of

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whatever is determined by a court in a negotiated process with the municipality through the zoning board which is appointed by... and the biggest problem here, Representative Franks, is you have a company that goes in and has an asset, builds an asset along... in line with the zoning practices of a municipality. And then you could have a regi... a regime change, whatever, political change, whatever you wanna call it and this new administration, which also would control the zoning board, would come in and say, oh, you know what, we don't want to have that anymore. All of your investment is going to be gone. So, that's the point of it, ya know."

Franks: "I understand what you're trying to do and I'm wondering is this an 'either/or'. Could you say, listen, and instead of us paying you for this, we're gonna give you 5 years to keep selling your space. Would that be an option in this Bill?"

Joyce: "That's... that already is an option."

Franks: "Okay. I guess, my question would then go back to..."

Joyce: "This allows to... allows the community to get rid of it right now, allows the company to receive just compensation and fair market value rates instead of just saying, hey, maintain this for the next 5 years under existing contracts."

Franks: "Well, that's my real issue. The fair market value, I think that's... now we're gettin' to the details. 'Cause I'm reading here in the Bill and it says, 'with respect to the off-premises outdoor advertisings, signs shall not be

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determined by amortization of the value of the signs over a period of time nor by any other amortization method of calculation.' So, what I'm trying to figure out is how we're going to determine fair market value. Because quite frankly, if you're just looking at the cost of building the sign, it isn't much, ya know, it's some plywood and some lumber and maybe some lights."

Joyce: "But if..."

Franks: "But I'm wondering, how are we going to determine the fair market value here because I certainly don't wanna overpay."

Joyce: "In the same way that they determine the amortization process today, through the courts, based on the existing contracts."

Franks: "So, they're based on the existing contracts."

Joyce: "Yeah. Right now, they go to court based on what the existing contract is and the value of the location, obviously, you know, if it's a higher traffic area or something like that."

Franks: "Can I ask you what the genesis of this Bill is?"

Joyce: "Well, we went to LRB and..."

Franks: "No, that... Why did you bring it forward? I guess I should ask. I'm just trying to figure out why we need this when we already have a way to..."

Joyce: "It's to solve a problem for business owners."

Franks: "Okay. All right. Thank you, Sir."

Joyce: "Thank you."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, in most zoning cases that I have been an interested party to, when the zoning classification changes the billboard or the appurtenance is generally grandfathered. Is that not the case with the billboard?"

Joyce: "No, it is not, not today. The way it works today is you go through a process, through a court, a minimum of 5 years... Instead of receiving the fair market value for your loss as a business owner, you go to court and you are given a... a 5-year extension to keep that up. But in the end, they can take that down. It does... the grandfather does not last anymore."

Black: "All right. Is... I'm just curious because billboards have been in the news lately. We have a new lottery contract and it got very expensive, so we just have one lottery billboard now and 19 of them were... were canceled. So, would the owners of the 19 billboards from which the lottery contract was renewed, would they be able to seek fair market value for the loss of their lottery contract?"

Joyce: "This addresses zoning change, not contract changes."

Black: "Oh."

Joyce: "And I can't... but I... I would imagine that this Bill is fair to all of the 20 companies, not just 1."

Black: "Okay. Well, I think one of those lottery billboards was in my district, but I'm not sure. And I... I thought maybe I could tag along. What... what happens in the case of

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an ownership change? Let's say a company that has been in a municipality for a considerable period of time gets wind that this location will probably be up for a zoning request change and then sells the billboard to a new company who... it may not be aware of the impending hearing. Now, how would that compensation be decided? Would it be decided based on what the company paid for it or the approximate fair market value of the materials? I mean, some billboards have locations that are valuable because of traffic count."

Joyce: "Correct. Yeah."

Black: "I'm... I'm just curious how you arrive at fair market value."

Joyce: "I think that... I think that's... I think you have to factor all those issues in, whether it's location, the cost, the outlay, if someone just purchased. And I think companies can provide that information and... and then you go into that process."

Black: "Okay. So... so, if a new owner paid \$25 thousand for the billboard at its location and then 90 days later discovers that the city has..."

Joyce: "Zoned out."

Black: "...removed that location from that zoning, I assume that the new owner, under the 'buyer beware clause', would not be able to claim to the municipal government that he should be... he or she should be compensated in the amount that they paid for the billboard."

Joyce: "I... I don't know if I would make that assumption."

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Black: "Well, that... that could be an interesting dilemma and I don't... I agree with you, I think eventually a court would have to rule..."

Joyce: "Right."

Black: "...but I... I see some scenarios where that might be a serious problem."

Joyce: "And... and a court, in fact, rules today."

Black: "Staff had... had a good point. What about... I own... if I owned a piece of land, I'm getting a... a lic... well, a rental fee or I'm getting some kind of remuneration from the billboard company. Now the billboard is removed because of zoning. The billboard company will get some kind of compensation. Do I, as the landowner, get any compensation for the loss of my rental contract on the land on which the billboard set?"

Joyce: "To... today, you do not."

Black: "Would this Bill change that?"

Joyce: "I think with this... this would... this would give the landowner an opportunity to get money from the billboard company after they have gotten their money based on the fact that they had an existing contract. So, I think... I think that this helps the landowner collect because of their... be... as long as they have an existing contract."

Black: "I... I thought under current law... correct me if we're wrong, but I thought under current law if the billboard company enters into a long-term lease with the landowner, the billboard has to remove the billboard... the billboard company has to remove their... their signboard, the lease is

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still in effect with the landowner. They must continue to pay whatever they agreed to to the landowner because the landowner wasn't a party to the action."

Joyce: "Okay. Well, you know, good luck collecting that."

Black: "Well, I think if you've got a bona fide lease you could probably collect it. Just... just one question, not directly related, but some have... have asked the question. This would not, in any way, shape, or form, change the current structure and rental agreement for cell phone towers or other electronic towers."

Joyce: "No. That's correct."

Black: "All right. It just deals with billboards."

Joyce: "That's correct."

Black: "All right, thank you."

Joyce: "Thank you."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Fritchey: "La... Ladies and Gentlemen, ya know, a lot of communities have tried to deal with the proliferation of billboards that have come on, it's kind of like a swarm of locusts. What this is really the... an attempt to ameliorate the situation, not through the use of any fancy logarithms, but simply by a straight amortization of the fair market value of the money that was invested here. There's a cacophony of debate on this issue. It's very straightforward. It helps the municipalities do what they wanna do. It provides the billboard companies with fair

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compensation for what would otherwise be a taking. It really is a simple, nonconfrontational, noncomplicated issue. I've dealt with this issue specifically in my other career. It's common sense and I urge an 'aye' vote. Thank you."

Speaker Hannig: "Representative Mathias."

Mathias: "Would the municipality still have the option, if they wanted to change their ordinances to make this a nonconforming use and not demand that the billboard be removed?"

Joyce: "Can you repeat the last part of your question?"

Mathias: "Now, it's the reason... the reason that this came into effect is because normally, and I think it was mentioned previously, that normally when you have a nonconforming use, you... so long as that use stays there, the municipality doesn't require you to remove it. In this case, this is an exception. Now, municipalities in their ordinances are saying you do have to remove it but they give you a time frame. They may say depending on the size or the... how long it's been up there, you could keep it up there another 5 years or 10 years. And... and this Bill basically says you have to remove it immediately and then compensate the billboard company."

Joyce: "No, no, I... I think under this Bill the municipality maintains the option if they wanna grandfather someone in, they can continue to grandfather people in. It's... it's just a matter of... of those municipalities do... that do not wanna grandfather someone in a nonconforming use... zoning

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use, then these... these persons would be entitled to compensation as opposed to time amortization. So, I think it's... with this language, we still allow municipalities to grandfather companies in."

Mathias: "And could you tell me what would be included in the compensation? Would it be like, for example, the cost of the actual billboard? Would it be the revenue loss? How would you determine what is the just compensation?"

Joyce: "I... I believe just... just as the amorti... amortization of time is done today, it would ultimately go to a court. I believe the cost, the capital outlay, the value of the location, along with the length of the existing contract would all be key factors in determining the fair market value."

Mathias: "Thank you, Mr. Speaker."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House I'd like to stand in support of this legislation. I have served in local government. I don't believe that zoning should be granted on a whim. And when it is taken away, that those that have enjoyed the use of that zoning over the years should be justly and fairly compen... compensated for that loss. And would urge an 'aye' vote."

Speaker Hannig: "Any further discussion? Representative Joyce to close."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would urge an 'aye' vote."

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Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 67 voting 'yes' and 47 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1005?"

Clerk Mahoney: "Senate Bill 1005 is on the Order of Third Reading."

Speaker Hannig: "Okay. Return that Bill to the Order of Second Reading at the request of the Sponsor. And on page 5 of the Calendar is Senate Bill 1648. Representative Saviano. Does the Gentleman wish us to call that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1648, a Bill for an Act concerning construction management. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1648 is a measure that applies to construction management. The purpose of this legislation is the... to... define construction management services and how they're selected and procured by the Capitol Development Board. This legislation provides for a qualifications-based process for procuring construction management services. The Capitol Development Board will continue to hold and competitively bid construction contracts as defined in the

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Procurement Code separately from any construction management services. What this Bill does is codifies the growing trend of utilizing construction management services throughout the state. I would ask for your approval on Senate Bill 1648."

Speaker Hannig: "Mr. Clerk, would you read this on Third Reading?"

Clerk Mahoney: "Senate Bill 1648, a Bill for an Act concerning construction management. Third Reading of this Senate Bill."

Speaker Hannig: "Okay. So the Gentleman has opened, is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read.. on page 8 of the Calendar, read Senate Bill 943."

Clerk Mahoney: "Senate Bill 943 has been read a second time previously. Floor... No Committee Amendments. Floor Amendment #1, offered by Representative Ha... Hannig, has been approved for consideration."

Speaker Hannig: "Okay. Mr. Clerk, let's take this out of the record. Representative Bradley, for what reason do you rise?"

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Bradley: "Mr. Speaker, on House Bill 1080 it was my intention to vote 'present' on that and I think my switch was not accurately reflecting that. I'd ask it to reflect that."

Speaker Hannig: "Okay. So, the record will so reflect. On page 31 of the Calendar under... excuse me. Okay. Mr. Clerk, let's return to the Order of Senate Bills-Second Reading. Senate Bill 943. And on the Amendment, the Gentleman from Cook, Representative McAuliffe will present the Amendment."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to move Floor Amendment #1 to Senate Bill 943."

Speaker Hannig: "Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Hoffman, has been approved for consideration."

Speaker Hannig: "Representative McAuliffe, would you like to present Amendment #3 on behalf of Representative Hoffman?"

McAuliffe: "Yes. Floor Amendment #3 would become the Bill and create the Design-Build Procurement Act which would allow the Capitol Development Board to utilize a design-build method for construction projects and I move on Floor Amendment #3."

Speaker Hannig: "All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

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Speaker Hannig: "Third Reading. On Supplemental Calendar #1, under Senate Bills-Second Reading, is Senate Bill 184. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "Senate Bill 184, a Bill for an Act concerning port districts. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read Senate Bill 324."

Clerk Mahoney: "Senate Bill 324, a Bill for an Act in relation to state procurement. Third... Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read Senate Bill 520."

Clerk Mahoney: "Senate Bill 520, a Bill for an Act in relation to housing. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Representative Hamos, do you want that moved to Third? We just had 'em.... Is that a note request, Mr. Clerk? So that'll have to remain on Second. So... so that will remain on the Order of Second, Representative Hamos. And let's go to Senate Bill 2404. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2404, a Bill for an Act in relation to insurance. Second Reading of this Senate Bill."

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

Speaker Hannig: "Mr. Cler... Third Reading. Representative Mautino, for what reason do you rise?"

Mautino: "That Bill needs to remain on Second. On Senate Bill 2404 we're awaiting a... a Amendment to be added, a Floor Amendment."

Speaker Hannig: "Okay. So, that's what we'll do. Mr. Clerk, return that to the Order of Second Reading at the request of the Sponsor. Okay. Mr. Clerk, read Senate Bill 955."

Clerk Mahoney: "Senate Bill 955, a Bill for an Act to amend the Election Code. Commit... Amendment... Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #3 has been approved for consideration."

Speaker Hannig: "Representative Currie on Floor Amendment #3."

Currie: "Thank you, Speaker and Members of the House. This is a modification of the Bill as it was already amended. That makes a person ineligible run... to run for township or ward or committeeman if... if convicted of a felony, not an infamous crime. The idea is to limit the prohibitions to felony convictions only because a conviction for a infamous crime encompasses a lot more than felonies, in fact, quite a lot of misdemeanor offenses and there are questions as to the constitutionality of the broader proposal."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Rules Report, please."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or joint action Motions were referred, action taken on May 27, 2004, reported the same back with the following recommendations: 'approved for floor consideration' Senate Bill 334 is referred to Second Reading-Short Debate. Senate Bill 739 referred to Second Reading-Short Debate. Senate Bill 3007, Amendment #6 'recommends be adopted'; 'on the Order of Concurrence' Senate Amendments #1 and 4 a Motion to Concur to House Bill 649. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on May 27, 2004, reported the same back with the following recommendations: 'for floor consideration' is Senate Bill 829 referred to Second Reading-Short Debate and Senate Bill 1960 referred to Second Reading-Short Debate."

Speaker Hannig: "On the Supplemental Calendar #1, under the Order of Resolutions, is House Joint Resolution 75. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Joint Resolution 75 simply denies the Compensation Review Board Report saying that a cost-of-living increase should be granted to all of those individuals and employees covered by the Compensation

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Review Board Report and that it should be retroactive to fiscal '03, in the current year of fiscal '04 and also in fiscal year 2005. It comes out to about a 9½ percent cost-of-living pay raise. Given the budget situation that we appear to be getting deeper and deeper in every day, this simply denies the Compensation Review Board Report. I'll be glad to answer any questions you have."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "He indicates he'll yield."

Fritchey: "Representative, I think it may be helpful for some of the newer Members for them to understand exactly what it is they're voting on here because it... it gets somewhat convoluted. A... a 'yes' vote would be a vote to deny the increase. And a 'no' vote would, in essence, be a vote to accept the report and accept the increase. Is that correct?"

Black: "That would certainly be my understanding."

Fritchey: "Well then, I'm... I'm not setting you up here, Bill, I'm just making sure that everybody gets this 'cause there's been confusion in the past. So, now in the report... in the report this year this only... this deals with just the cost-of-living increase or cost-of-living increase and a raise as well?"

Black: "The Compensation Review Board did not recommend an actual raise in base pay. What they did and I don't think they've ever done before is that they have recommended a

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retroactive cost-of-living pay increase for fiscal 2003, fiscal 2004 and the coming fiscal year '05."

Fritchey: "And those... the '03 and '04 would cover the cost-of-living increases which we did not get by virtue of action of the Governor? Is that correct?"

Black: "That... that's my understanding. That was the Compensation Review Board recommendation."

Fritchey: "All right. And then, pending our action does this still need... does the Senate take separate action on this or does this go over there?"

Black: "The Compensation Review Board Report Law clearly states that both chambers must adopt identical Resolutions or accept the other chamber's Resolution or the pay raise, excuse me, the cost-of-living increment would then go into effect."

Fritchey: "Okay. Thank you."

Speaker Hannig: "Representative Winters."

Winters: "Mr. Speaker, will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Winters: "Representative Black, we have had some constitutional rulings on the cost-of-living increase for the judges. How are you handling that in this Resolution?"

Black: "We cannot handle that in this Resolution. The judges were included in the Compensation Review Board Report. There is upon checking with staff legal counsel and the Legislative Reference Bureau, there is no legal way for us to remove judges from the Resolution denying the Compensation Review Board Report. What we will have to do

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and I don't think we have time in this Session, we may be able to take it up in November, we will have to pass legislation either removing judges from the recommendations of the Compensation Review Board or handle it in some specific legislative manner. But we cannot on our own remove them from this Resolution since they were included in the Compensation Review Board's Report."

Winters: "So, what you're saying is that if we want to have some control over the increases in salary that the judges automatically earn, we would have to pass legislation specifically removing them from the purview of the Compensation Review Board?"

Black: "That... that is my understanding. Let me just check with the staff attorney for just a second. In the opinion of our staff attorney, the... the other side of aisle may have a different interpretation, it would take specific action to clear that statute. I don't know... I... well, I don't wanna get into this argument. I intend to pursue legislation to take them out and I also intend to pursue legislation that clearly says we, the General Assembly, will set their salary."

Winters: "Thank you. I introduced that Bill this Session. It was not allowed out of the Rules Committee. I would be happy to add you as a cosponsor and encourage the rest of the Members of this august Body to do exactly that to the judges of this state. They think they're above the... the rule of the General Assembly on setting compensation. I think that it's egregious, their actions in court, to

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insist on their own cost of living when everybody else in State Government was taking a hit from the economy as our own... our own constituents were taking a hit from the economy. So, let's reintroduce that next year and hope that the Rules Committee will let it out for public action. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Lang."

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

Speaker Hannig: "He indicates he'll yield."

Lang: "Representative, I'm not opposed to your Resolution. I intend to vote for it. But this is the second or third year in a row we've... we've rejected the pay raises which we probably ought to do. But has there been any consideration given to doing something with the fact that when we reject the pay raises we're also rejecting pension increases? Is there some way to separate that out to reject the cash but... but allow those who would have been included in this report to get the benefit of the pension bump?"

Black: "I would... I would defer to your legal expertise. I'm not sure we could... how one would ameliorate that situation. If... if we aren't paid on a certain basis, I don't know how we can receive a pension benefit for an amount of money that wasn't actually paid. I... I think... attorneys on both side would have to look at that as well as the Pension Laws Commission or whatever we have now that... that took the place of the old Pension Laws Commission."

Lang: "Thank you."

Speaker Hannig: "Representative Parke."

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

Speaker Hannig: "He indicates he'll yield."

Parke: "Now, all of us appreciate the situation that the state finds itself in terms of the budget that we have and the shortfall and all the sacrifices that everybody in this State of Illinois has had to make. I just have a question for the Body to consider and I... and I presume... and I know I'm gonna vote for this and it's gonna pass. But when was the last time Members of the General Assembly had a cost-of-living raise?"

Black: "Let me just very briefly, I'm glad you asked that. The... the Review Board's recommendation was rejected by the General Assembly in 1988, 1990, 1992, accepted in 1994, rejected in '96, accepted in '98, rejected in 2000, and was not only rejected by the General Assembly in 2002 but the Governor, just to make darn sure, vetoed it out of the budget as well. So, we got a double hit last year."

Parke: "Well, so in other words, there's not been a cost-of-living raise to the Members of the General Assembly in 4 years and this will guarantee that for another 2 years. So it'll be 6 years since any Member in the General Assembly has had any increase?"

Black: "That... that's correct. We have not received either a COLA or a base salary increase since 1998."

Parke: "Thank you, Representative."

Black: "Others have done a little better under the system."

Parke: "Yes... yes. Well, I just wanna point out to the Body that we will go another 2 years and that's... that's okay,

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that's what's gonna happen. This applies to January of next year and the next following 2 years there'll be no change in the overall income of State Legislators. And so it'll be 6 years straight. So, I want the Body to be aware. Thank you."

Speaker Hannig: "Representative Black... Excuse me, Representative Molaro."

Molaro: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Molaro: "Representative, there anything in the Resolution that would make sure that the questions just asked by Representative Parke or your fine presentation of the Resolution that would make sure that the... what we are doing here right now is disseminated to all public outlets, Internet or the press? 'Cause I gotta tell ya, if we were doing just the opposite, we'd probably hit the front page of the paper tonight. So, I... I don't know if there's any press listening, whatever it may be. I just hope that they would give this the same what we're doing here today in this tough economic times, which I think is a nice gesture that they would treat it the same way that if... just in case your Resolution went the other way where it would be. So, thank you."

Speaker Hannig: "Representative..."

Black: "Representative, I think that..."

Speaker Hannig: "Representative Black, you can close."

Black: "Oh, thank you very much. I... I agree with the previous speaker. I... I just heard six trees crash to the ground.

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My guess is that there are dozens of press releases being cranked out as we speak. I think the only hope for a cost-of-living increase in all due respect to my good friend would be to have Bo Derek come down and perhaps plead our case but I'm not sure that she would do so. When all is said and done, Mr. Speaker, I join with many of you in being somewhat conflicted on this. It has been 1998. I know I would not be embarrassed to accept a pay raise. I think most of us work pretty... pretty darn hard and certainly catch a great deal of grief for what we do. We're often sworn at if we do something and we're sworn at if we don't do something. It's a difficult job but we knew that when we asked to do it. We also have known for a number of years that we are in a rather unenviable position of acting or not acting on our own pay, and that is a difficult position to be in. However, and in all due respect to our friends in the judiciary, I imagine the cost of black robes has gone up a great deal. And I don't want to stand on a street corner selling Krispy Kreme Doughnuts to have a benefit for the judges in my district. I can only hope that I'm not in court in the next year having said that. But I look forward to working with my good friend, Representative Winters, on seeing if we can come up with a fair and equitable Resolution on the issue of judicial pay raises. The last time I looked they make a couple of dollars more than we do. Perhaps we should ask who their lawyer was in their recent fight. But all of that aside, I have a hunch I know what the Governor would

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do anyway on our pay raise. We might as well pass the Resolution and deal with it as best we can. I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Joint Resolution 75 be adopted?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 voting 'yes', 8 voting 'no' and 2 voting 'present'. And this Resolution, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 3338, please."

Clerk Mahoney: "Senate Bill 3338, a Bill for an Act making appropriations. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Let's let that remain on the Order of Second Reading. Turning the page on the Supplemental Calendar, under the Order of Resolutions, is House Joint Resolution 87. Representative Miller. Representative Miller on House Joint Resolution 87."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 87 simply states that... opposition to closing of Tinley Park Health... Mental Health Center. I ask for a favorable vote."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Mr. Clerk, we have

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House Joint Resolution #90. Representative Hassert, would you like to present that?"

Hassert: "Thank you, Mr. Speaker. House Joint Resolution #90 simply approves Thomas Homer as our new Legislative Inspector General. Happy to try to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the Resolution be adopted?' All in favor vote 'aye'; opposed vote 'nay'. 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 114 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. House Joint Resolution (sic-House Resolution) 973, Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker, Gentlemen... Ladies and Gentlemen of the House. What this Resolution does is urges the Department of Central Management Services to consider the need of the state employees, retirees and their dependants and the economic need for the state in any decision regarding the selection and the administration of the Vision Care Benefit Plan for the state employees and retirees. When we were in discussions with CMS it was brought out that if they went with the new provider for eyeglasses that there are eight places in the state that do the grinding of lenses and the frames, plus there's a much better network of optometrists for our people to go to. If we go with the new plan or if CMS goes with the new plan, all those jobs go to Baltimore, Maryland, and we will have a much smaller choice of where we go to get our eyes tested

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and everything. That's what the House Resolution, if adopted, it would stay. Is to keep what we have. And I would urge a 'yes' vote."

Speaker Hannig: "Is there any discussion? The Gentleman from Jackson, Representative Bost."

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

Speaker Hannig: "He indicates he'll yield."

Bost: "You know, we... we were watching this very closely in southern Illinois because we're concerned and we understood that a majority of those processing of the eyeglasses if this... if the switch had occurred would have went in our area on into Kentucky and that area. Would..."

Verschoore: "That's not what was said in committee when we had the... when we had the CMS people in. They said that it would go to Baltimore, Maryland."

Bost: "Okay. Baltimore, Maryland, or Kentucky. Do you... you know, early on whenever we were working with the Governor last year he said he wanted to create about 58 thousand more jobs. Are they... is this part of the plan so they can create... he didn't say which state he wanted to create'em in, is that correct?"

Verschoore: "Evi... evidently, because it's not here. So, from what they're telling us or when I was in committee they said that they would lose it. And they're not saving that much money to do away with... there's... there's eight places. I don't remember the exact number of employees, but the number of employees that we would lose would be a much greater loss to the State of Illinois than what we'd gain."

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Bost: "Well, Representative, I... I definitely support your Resolution. I think the jobs should stay in Illinois."

Verschoore: "Thank you."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this Resolution. Ladies and Gentlemen, I have had a number of optometrists and others, providers up in my area and that's in the metro... the suburban area of Chicago communicate with me that if in fact the state does change their plan that they will not be participating in the new plan. And that, quite frankly, the people that will be participating in those plans are primarily the large department stores such as Sears or some of the larger agencies, the Wal-Mart, those types of businesses. And there's nothing wrong with going to those businesses for eye care. However, there are special needs that some of us have because of medical issues with eyes, with either ourselves or our dependants where we want to... where we feel that we need to have more than a Wal-Mart or a Sears optometrist taking a look at the eye... eye care. And I... I think that if we allow this to happen it limits the opp... the alternatives that we have to use, that it is not good health care. And therefore, we should keep it they way it is. What it is now is... is not going to cost the state that much more money than what it would save by changing it. It would keep jobs here. And folks, if you start losing business to... some of these small businesses in our area, they're gonna close. It's gonna be a peripheral

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jobs that close because of that also. I stand in support of this Resolution."

Speaker Hannig: "Representative Verschoore to close."

Verschoore: "Thank you, Mr. Speaker. I would ask for an 'aye' vote."

Speaker Hannig: "All in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Senate Joint Resolution 75, Representative Giles. Is the Gentleman in the chamber? We're gonna go back to the ordinary Calendar, page 7, is Senate Bill 2536. Representative Jefferson. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2536, a Bill for an Act concerning the exercise of police powers by state employees. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the House. What this Bill does is amends the State Appellate Defenders Act, provides that the State Appellate Defender may hire investigators to provide investigative services to appointed counsel and county public defenders. It also provides that investigators be employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender. Should be authorized to inquire with the Law Enforcement Agencies Data Systems to ascertain whether their potential witnesses have a criminal background. Provides that the authorization apply only to information held on the state level and should be used only to protect the personal safety of investigators. Provides

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that any information that is obtained through this inquiry may not be disclosed by the investigators. And I would urge an 'aye' vote."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2794."

Clerk Mahoney: "Senate Bill 2794, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Soto."

Soto: "Thank you, Speaker and Members of the House. Senate Bill 2794 requires the Department of... the Department of Public Health to develop a comprehensive statewide asthma management plan to reduce the rate of hospital... hospitalizations due to asthma and facilitate the effective management of asthma in a person with asthma. Requires the department to implement programs to meet objectives of the statewide asthma management plan. Provides for the use of monies from the Tobacco Settlement and Recovery Fund to implement the statewide asthma management plan. And this is subject to appropriation. And I urge an 'aye' vote."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Parke."

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Parke: "Thank you, Mr. Speaker. I appreciate that this is something that is very important to a lot of people, but this is subject to appropriation and we continue to put one thing after another after another onto a budget that we're negotiating at this time. And that the Governor continues to tell us that we do not have enough money to provide for education and other programs, but here we have another one, well intended, that further puts pressure... that puts additional pressure onto the budget. And so, I... I just am concerned, though the Sponsor's well intended and I plan on voting for this, but it's still another issue that makes it more and more difficult for us to deal with the budget at a time when we're supposedly short of money. Ya know, it comes a point where we realize that again as I've said before it's not a matter of having money with a \$54 million... \$54 billion budget, it's a matter that we're spending too much. So, I will vote for this. But again, it's an additional spending... additional strain on the... on the state budget. And... and I think we need to be aware of what we're doing. But I appreciate the Sponsor's effort with this legislation."

Speaker Hannig: "Representative Turner."

Turner: "Yeah, thank you, Mr. Speaker. I have an inquiry of the Clerk."

Speaker Hannig: "Of the Clerk?"

Turner: "Yeah."

Speaker Hannig: "State your inquiry."

Turner: "Could you tell me who were the Sponsors of this Bill?"

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Speaker Hannig: "Representative... or Mr. Clerk, could you... could you read the names of the principal Sponsors?"

Clerk Mahoney: "The principal Sponsors are Representative Soto, Parke, Delgado, Acevedo and Yarbrough."

Turner: "Did you... did I understand you to say that Representative Parke is one to sponsor this Bill? Well-intentioned or..."

Speaker Hannig: "Representative, I think the Clerk read the..."

Turner: "Parke."

Speaker Hannig: "...names."

Turner: "Yeah, I was just curious. Thank you, Representative."

Speaker Hannig: "Rep... Representative Parke, your name was used in debate, for what reason do you rise?"

Parke: "Yes, it was named... is was used in debate. Whether I'm the Sponsor or not as I told the initial Sponsor, I think it's a good idea. I think everybody here would wanna vote for it. But I'm... in pointing out to the Body that we continue to pass legislation that puts further strain on a strained budget already. And that's my point. So... but thank you for pointing out... I'm proud to be a cosponsor of this legislation."

Speaker Hannig: "Thank you, Representative Parke. Representative Black."

Black: "Thank you very much, Mr. Speaker. On behalf of my seatmate, he made his intentions very clear and I would like to summarize his position. I thought he did a very good job of it, but as he just told me, some of his friends

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are in favor of this Bill, some of his friends are opposed to this Bill. He intends to vote with his friends."

Speaker Hannig: "Me... me, too, Representative. Representative Soto to... Soto to close."

Soto: "Thank you. First of all, I just wanna let this General Assembly know that Representative Parke picked up the Bill before I did, just transferred it over to me. So, he was the original Sponsor that picked it up here in the General Assembly. And I am so happy that he is on this Bill. And I urge an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2820."

Clerk Mahoney: "Senate Bill 2820, a Bill for an Act in relation to housing. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Bradley."

Bradley: "Thank you, Mr. Speaker. This is a Bill that would address the problem with many areas of the State of Illinois not having a uniform Residential Building Code. It would provide that there should be a code included in the contract. And in case there's not a code included, it provides for a default code which would be set by this

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statute. So, I would ask for an 'aye' vote. I know of no opposition to the Bill."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 111 voting 'yes', 3 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 2880?"

Clerk Mahoney: "Senate Bill 2880, a Bill for an Act concerning aging. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I'm proud today to have an opportunity to debate Senate Bill 2880. Many of you... maybe most of you are already cosponsors and you know what kind of hard work went into this 32-page Bill. This is the Older Adult Services Act and it is a comprehensive look at our long-term care system. This... this Bill in a nutshell provides that the Department of Aging will be the lead agency for the kinds of activities that we will be undertaking pursuant to this Act. That we will be identifying priority service areas to look at the uniden... to look at the unmet needs of older adults in the State of Illinois, to look at the services that are needed in many of your communities that have not been prioritized before. This Bill calls for a major restructuring of the long-term care system. And in this Bill we are looking at

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long-term care as any... anything from being able to stay in a home to having community-based services and to the kind of nursing home care that is needed as we face the future. This Bill will also provide for a nursing home conversion program to look at empty beds and the possibility for taking some of those beds offline and... and using them in other kinds of ways that we know that seniors are expecting in their communities. And then finally and importantly, this Bill also sets up the Older Adult Services Advisory Committee which is a very significant committee that will be formed at... by State Government to look at... to do all the planning issues and implementation issues as we move forward. As you may know, this Bill has the widespread support of most every group that deals with older issues... older adult issues. And I especially want to recognize AARP and the Health Care Association for the really important work they did in creating consensus around this effort. I'm available to answer any questions and I... I seek your strong 'aye' support."

Speaker Hannig: "The Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative, let's... this Bill is... has Amendment 3 on it? Is that what is correct?"

Hamos: "Yes. It also has Amendment 3."

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Parke: "Three. And Amendment 3 does that remove the opposition of the Department of Aging, the Department of Public Health and the Department of Public Aid?"

Hamos: "Yes, it does."

Parke: "And there's only one... the Long-Term Ombudsman Association, are they still in opposition?"

Hamos: "They are... the Long-Term Care Ombudsman, an organization that we admire and respect, is now neutral on this Bill. We have worked very closely with them to assure them that we will, in the future, work very hard to get additional funding for that organization to strengthen it even further."

Parke: "Is there any... do you have any... a sense of how much this is gonna cost?"

Hamos: "Well, no, I don't, but, Representative Parke, the way that this Bill is written it is revenue neutral and what is now needed we know so well is a major planning effort to move forward. And as we develop those plans and as funds become available, we will want to make sure that the entire long-term care system will benefit from additional resources. So, until we engage in that planning effort we don't really know what it's going to cost. But, I do know that with the baby boomers' population aging we will have significant need for a restructured and balanced long-term care system."

Parke: "Yes, we will. Representative, I want to know how are you going to coordinate all these activities? Is there any vehicle out there? Is there any task force? Or is there

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any group that's out that says when revenues... and they will... change and when we start really as a... as a state in the... the State of Illinois economy as long as we don't put the burdensome taxes on the job creation aspect of our... of our economy, we will eventually be bringing in extra tax money that could be used for programs like this. What vehicle can we look to... to... once the money starts coming in to help us formulate where it's spent best?"

Hamos: "Well, and that is why, as I mentioned before, the Older Adults Services Advisory Committee which is... has representatives from every part of the long-term care system and the senior care system is going to be a very important component of this planning process. The Department of Aging is named as the lead agency, but if... if we had today a billion dollars it wouldn't be so easy to figure out where to put it. The planning is a very important process embodied in this Bill and that, I think, will create a road map or a blueprint for how to direct new resources as they become available."

Parke: "Well, then I would like to commend the Sponsor for working on a... a needed piece of legislation and has obviously worked it out so that now that there's no opposition and I commend her for that."

Speaker Hannig: "Is there any further discussion? Representative Hamos to close."

Hamos: "Thank you, Ladies and Gentlemen. Thank you for your attention and for your interest in this discussion. I think this really is the Session that made significant

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headway at looking at this restructured long-term care system. And I look forward to your 'aye' support."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 113 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2961."

Clerk Mahoney: "Senate Bill 2961, a Bill for an Act concerning business. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Munson."

Munson: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Bill 2961 extends for 4 years the sunset date of the Business Enterprise for Minorities, Females and Persons with Disabilities Act. The Act sets goals for awarding state contracts to businesses owned or controlled by minorities, women and persons with disabilities. Without an extension this Act sunsets on September 6, 2004. Take any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 114 voting 'yes' and 0 voting 'no'. And this Bill, having

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received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 3201."

Clerk Mahoney: "Senate Bill 3201, a Bill for an Act in relation to executive agencies. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Morrow. Senate Bill-Third Reading."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 3201... Amendment #1 becomes the Bill. It creates the Nuclear Safety Law of 2004, whereby the Illinois Emergency Management Agency, IEMA, assumes powers and duties previously vested in the Department of Nuclear Safety, DNS, by various Acts. This Bill was introduced by IEMA as a cleanup Bill to implement the Governor's executive order of last year which consolidated DNS into IEMA. Most... the Bill contains most of the existing statutory language that pertains to DNS. Aside from cleanup language, the Bill makes two substantive changes. It expands IEMA's authority escort, spent nuclear fuel and radioactive waste to include authority to escort radioactive materials. It provides for the appointment of assistant director by the Governor with the advice and consent of the Senate and shall serve a term of 2 years. I'll be glad... I'll be glad to answer any questions..."

Speaker Hannig: "Okay."

Morrow: "...Mr. Speaker."

Speaker Hannig: "And is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, I... within the Amendment is there still language that ameliorates the veritable plague like locusts where Canadian companies are shipping nuclear waste through the State of Illinois without an escort? Is that... does the language in that Amendment close off that ability of them to do that?"

Morrow: "It... it doesn't close it, it codifies it. It allows IEMA to charge for a escort of... of this type of product."

Black: "All right. And then the only other question I have, it would seem to me that the direct oversight of IEMA is... is... what's the word I'm looking for? The Governor would seem to me to have more control over the agency as a code department than... than he does making it a member of the Governor's cabinet. Or do I have it just backwards?"

Morrow: "I'm sorry... I'm sorry, Representative. Representative Black, will you repeat that again?"

Black: "Yes. I could see you were bothered by..."

Morrow: "Representative Dunkin."

Black: "Yes. Well, you know, he... he makes a... he makes a fine doughnut, but we'll deal with that later."

Morrow: "Representative Black, I can make a lot of other comments... I could... I could make a lot... a lot of other comments about Representative Dunkin, but you know, I'm trying to keep my mind clear."

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Black: "Well, I know the first place I look for when I go to Chicago is a Dunkin Donuts store, I can tell you that. Actually, the... the question I ask is, I'm... I'm trying to figure out why IEMA or the Governor wants this change. Does the change give the Governor more direct authority over IEMA by putting him as a... by putting them as an agency rather than leaving them as a code department?"

Morrow: "I... I really couldn't answer that, Representative Black, because this... we're basically following the executive order of the Governor."

Black: "Was... so I... Okay. Then this was requested by the Governor?"

Morrow: "Yes. This is a Bill requested by the Governor, yes."

Black: "So, he will be responsible in case of an emergency. I mean, he's the ultimate responsible party in case of an emergency now? We can... maybe his subtitle would be the Master of Disaster, in other words?"

Morrow: "No, I don't think it's that."

Black: "Oh."

Morrow: "I don't think so. I don't think so."

Black: "Well... but he would now have direct responsibility for the Illinois Emergency Management Agency?"

Morrow: "Who... that... who would? The Governor?"

Black: "The Governor."

Morrow: "The Governor already has that."

Black: "Oh. Was... was he... is he looking to appoint a new director?"

Morrow: "With the advice and consent of the Senate."

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Black: "Could you put in a good word for a downstater who's looking for new challenges?"

Morrow: "Well, I'm the one that's a lame duck."

Black: "I would offer to put in a good word for you, but I'm not sure it would help."

Morrow: "And I... I would appreciate your letter of support being on my desk tomorrow."

Black: "I will write that letter for you or against you, whatever you think will help you the most. And thank you for your answers."

Speaker Hannig: "Representative Dunkin."

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

Speaker Hannig: "He indicates he'll yield."

Dunkin: "Now, my name was... my name was used twice in debate, if I can recall. Someone referred me to a Dunkin Donut, a donut hole. And I resent that, Bill Black. You owe me and my district an apology. I've been here for 2 years. Yeah."

Speaker Hannig: "Representative Black."

Black: "Yes, Mr. Speaker, my name was used in debate. I... I certainly apologize to any of his residents that I may have offended by that title in jest. But, in all due respect, Representative, as a freshman, if the shoe fits, wear it."

Speaker Hannig: "Representative Millner. Okay. Representative Morrow to close."

Morrow: "Yes, I just ask 'aye' votes on Senate Bill 3201. Just... just to bring some seriousness back... back to the chamber. The Executive Director of IEMA, Bill Burke, has

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done a fantastic job as the director of IEMA and I know he's gonna do a fantastic job with this new responsibility. I've known Bill for over 25 years and he's an outstanding gentleman. He's done a fantastic job with all the emergencies that we've had within the State of Illinois."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 91 voting 'yes' and 22 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mitchell, for what reason do you rise?"

Mitchell, J.: "Thank you, Mr. Speaker. I inadvertently pushed the 'red' button on Senate Bill 2880. I would like to be... I'd like the record to reflect that I wish to vote 'yes' on that Bill."

Speaker Hannig: "Okay. The record will so reflect."

Mitchell, J.: "Thank you."

Speaker Hannig: "Representative Giles, would you like us to do Senate Joint Resolution 75? Okay. Representative Giles. That's on Supplemental Calendar #1."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Joint Resolution 75 is... is language that came from the Senate on a usual basis. These Resolutions... the waiver Resolution comes... the language comes from the Senate. And the Members in the House, we have the opportunity to either vote up or down on the

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recommendations. In this particular Resolution, the... there were about... there are six Resolutions that... that we're asking to deny for the waivers of the School Code mandates. In this particular legislation, just briefly, we got Ridgeview School District 19 dealing with the driver's education fee approval for only one year and denied for the remaining 4 years. Rutland School District 230, Wallace School District 195, Summit 104, Waukegan 60 and Steeleville 138. And we're asking that these particular waivers to be denied. So, we're asking for a 'yes' vote to deny these particular waivers."

Speaker Hannig: "And on the Senate Joint Resolution 75, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes, state your inquiry."

Black: "There was a Committee Amendment offered on this Resolution. Could the Chair enlighten us as to whether that Amendment was adopted or was it withdrawn?"

Speaker Hannig: "Mr. Clerk, could you tell us the status of any Amendments that were... that were debated on this Bill? He's gonna double check in a moment just to be sure."

Black: "Okay."

Speaker Hannig: "Representative Giles, do you know the answer to that question?"

Giles: "Thank you... thank you, Mr. Speaker. Representative Black, there were... Amendment #1 that was drawn on my behalf, but we did not adopt that Resolution in committee."

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Black: "Okay. All right. Thank... thank you very much. Mr. Speaker, would the Sponsor yield?"

Speaker Hannig: "Yes, he indicates he'll yield."

Black: "Representative, we go through this every year and I wanna just make sure that everybody in the chamber... and I hope you're paying attention because this is where you can get yourself in trouble. If you vote 'yes' for the Resolution, you are voting to deny all of the waiver requests. Correct?"

Giles: "That's correct. And that's only six waiver requests that I have listed here..."

Black: "Okay."

Giles: "...that I just briefly went over. Therefore, the remainder waiver requests that are asked for they will be approved. That do not effect those waiver requests. Just the six... the ones that we're dealing here now. We're..."

Black: "Okay. Now, those waiver requests then were evidently approved by the State Board of Education?"

Giles: "The State Board of Education requests that we will approve those particular waivers or disapprove those particular waivers. So..."

Black: "Now..."

Giles: "...so... so what we have here is a list of individuals... a list of the various waivers that the school district asked for this Body to deny. And there's only six. And so, when we vote... if we vote 'yes' and pass this particular Resolution out of the chambers today, that means just only

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this six Resolutions will be denied and the rest will be approved."

Black: "Now, I am confused. So, a 'yes' vote will deny the six waivers that you listed..."

Giles: "And... that's correct."

Black: "...but, I assume that a 'yes' vote would also then deny any of the other waivers that are pending, would they not?"

Giles: "No. A 'yes' will... a 'yes' will deny... allow those other waivers that was requested to be granted. Representative Black..."

Black: "Oh, I see, so it's..."

Giles: "...once again, these are the only ones that are being denied."

Black: "Okay. So..."

Giles: "What we're addressin' now."

Black: "...So, a 'yes' vote means you are denying the waivers and a 'no' vote means you are voting against the denial?"

Giles: "That's correct."

Black: "I hope everybody understands that. Thank you."

Giles: "And... and... and let me just say this, Representative. If we take no... if we take no action on any of these requests, then everything is approved."

Black: "All right. Thank you."

Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "He indicates he'll yield."

Davis, M.: "Representative Giles, how many P.E. waivers are granted with this 'yes' vote?"

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Giles: "Representative, I believe... I think there were... if I'm not mistaken, I believe, there's approximately 21."

Davis, M.: "Twenty-one granted P.E. waivers?"

Giles: "If I'm not mistaken. I may be incorrect, but I believe it's somewhere in that ballpark."

Davis, M.: "So, the Senate has already approved these waivers?"

Giles: "That's correct. The Senate recommendations were not to deny those particular waivers. And they have listed here six to be denied."

Davis, M.: "Well, we may... I mean, we're gonna have to vote for it because if... even if we don't vote for it that means the waivers are granted. However, I think this Body should take note that the Heart Association is very much opposed to us continuing to grant physical education waivers when we have documented information about the health of our children, the growth of... I mean the increase in obesity. I just think it behooves us to at some point make a decision not to grant P.E. waivers because people can offer physical education in classrooms. There's so many ways to offer physical education. And sometimes, I find educators think that all physical education is... is someone moving or playing a game when there's so much more involved in physical education in the curriculum. Mr. Chairman, I understand that we're desire... you are desirous of a 'yes' vote on this waiver and that means the Senate and the House will be in concurrence? Is that correct?"

Giles: "That's correct, Representative."

Davis, M.: "Thank you."

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Speaker Hannig: "Representative Mitchell, Jerry Mitchell."

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

Speaker Hannig: "He indicates he'll yield."

Mitchell, J.: "Representative Giles, for the benefit of the Body could you read the school districts that are involved with it? We... we have quite a few Representatives that are not on the Elementary & Secondary Education Committee that really aren't sure whether they have districts involved in the denial process. If you... if you pay attention to the districts that Representative Giles reads then you will know whether or not there is a school district in your legislative district that has requested a waiver and it might make a difference on how you vote on this issue."

Giles: "Thank you, Representative, for asking me to reclarify the school district. Once again, it is Ridgeview, CD... SUCD 19, that's Senate District 53. That particular waiver's dealing with the driver ed fee approval for only 1 year and denied for 4 years, the remaining 4 years of that particular waiver that we grant, previously. The Rutland School District 230, once again, that's Senate District 38. That is... that particular waiver is dealing with the limitation of administration costs. Wallace School District 195, once again that the Senate District 38 dealing with administrative costs. Summit School District 104, that's the Senate District 11, once again dealing with administrative costs. Waukegan School District 60, that particular... Senate District 30. That particular substitute...

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that waiver is dealing with substitute teacher. And Steeleville School District 138, that's Senate District 58."

Mitchell, J.: "Thank... thank you, Representative. And folks, remember, that a 'yes' vote denies the waiver that was requested for these school districts. A 'no' vote allows the waiver to take place in the district. Would appreciate... those districts there would appreciate a 'no' vote. However, these are the only districts that the Senate sent to us and there is a problem that... that Representative Giles and I have both discussed. That we get this Bill so late that there's no way to modify it or change it. Representative Giles had an Amendment, but then realized that if we amend this Bill in any way it will never get through the process. So, we're gonna try to address that next year. Representative Giles, thank you."

Speaker Hannig: "Representative Giles..."

Giles: "Thank you, Rep..."

Speaker Hannig: "...to close."

Giles: "Thank you. Once again, we takin' direction from the Senate. These are recommendations from the State Board of Education. And we're asking for a 'yes' vote to deny these particular waivers. Thank you."

Speaker Hannig: "The question is, 'Shall the Senate Joint Resolution #75 be approved?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On

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this question, there are 98 voting 'yes' and 9 voting 'no'. And the Resolution is adopted. On page 12 of the Calendar, under Senate Bills-Second Reading, is Senate Bill 3007. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 3007, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendments 2, 4 and 5 have been adopted to the Bill. Floor Amendment #6, offered by Representative Howard, has been approved for consideration."

Speaker Hannig: "Representative Howard."

Howard: "Yes, thank you very much, Mr. Speaker. This... Amendment #6, I think, eliminates all opposition. It was filed at the request of my colleague, Chapin Rose, in order to resolve ambiguities in Section J of the Criminal Identification Act as amended by previous action taken on this... this Bill. The ambiguities were resolved by combining Sections H, I, and J into Section H and renumbering references accordingly. The Amendment retains all of the revisions of Senate Amendment #1 and House Amendments #1, 2, 4 and 5. There are three substantial changes that this Amendment makes. Number one, H-2(b)(4) adds language clarifying how first offender drug probation for Class IV felony drug possession is to be treated, an issue that was not addressed in J. Because the probation is technically a nonconviction, it would have been immediately sealable. The new language makes it clear that probation is to be treated as a conviction for the purposes of sealing so that individuals must wait 4 years to have it

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sealed. The second substantive change, H(3), C(2) and D(2) were amended to expand the definition of 'supervision' to include 'felony supervision'. Although, technically, supervision for a felony is not allowable under the law and the change should be downgraded to a misdemeanor first, according to my... my colleague, Representative Rose, some courts in Illinois do allow felony supervision anyway. The purpose of the felony supervision is so that if a person violates court supervision they are on the hook for a felony sentence and are subject to 1 to 3 years in prison rather than subject only to a misdemeanor sentence of up to 1 year in jail. These changes treat felony supervision just like misdemeanor supervision for the purposes of determining the waiting period for a sealing. Change #3, H-7(a) now spells out the basics of what must be included in a petition for sealing, something that was omitted in the underlying Public Act. The requirements laid out here are based on what the Cook County Circuit Clerk now requires, but gives local clerks flexibility to require additional information. I ask for 'yes' votes on this Amendment."

Speaker Hannig: "The Lady moves for the adoption of Floor Amendment #6. And on that question, Representative Rose."

Rose: "Thank you, Mr. Speaker. To the Amendment."

Speaker Hannig: "To the Amendment."

Rose: "Ladies and Gentlemen, I wish to compliment Representative Howard for including us in this... in the process and we've been through, I think, six Amendments

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now. So, thank you for your willingness to talk with us and indulge us. I'd like to simply let the folks know what happens with this Amendment. Misdemeanor supervision... if you're convicted of misdemeanor supervision and wish to have that sealed, it will take 3 years from the time of that crime with no additional crimes before you're able to petition the court for sealing. If you're convicted of a misdemeanor or a felony, it will take 4 years and if it's a felony that you're wishing to seal... at my request, thank you, Representative, we've added a precursor that with the petition for sealment you would have to have a negative drug test, a negative drug screen, within the preceding 30 days attached to that petition to ensure that, in fact, you're not asking to have your records sealed at a time when you're still a substance abuser. And I appreciate your willingness to put that in. I also think it's important, Ladies and Gentlemen, and again, that we've worked through certain law enforcement exceptions. Just because the petition's filed doesn't mean your records are gonna be sealed. The State's Attorney will have an... an opportunity to object. If there is an objection made it'll go before... a hearing before a judge. And there's also law enforcement exceptions so that if you stand accused of a crime in the future these records could come up for purposes of sentencing, for purposes of... of filing a charge. And more importantly, folks, we as a society have deemed certain occupations in our state so important that we do not want convicted felons in those occupations.

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Teachers, for example, comes to mind. We've added, again at my request and my thanks to the Sponsor, a portion of this new Amendment that will allow law enforcement to go ahead and share the information regardless of the sealing with those prospective employers in prohibited occupations. Again, those in statutory prohibited occupations that we as a society through the folks in this Body have already deemed to be statutorily prohibited. I'm... intend to vote for this. And I just wanted to thank the Sponsor again for her indulgence and also our House Democratic Staff, Dave Clarkin, over there who I think was sick and tired of getting phone calls from me at all times of the day and night. So, thank you."

Speaker Hannig: "Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, in the short 2 years that I have been in this Assembly I've had the privilege of serving on Criminal Law-Judicial II with Connie Howard. This Lady is a constant thinking, analytical person that does a remarkable job of representing not only her constituents, but all of the State of Illinois. When this Amendment initially came to us I was adamantly opposed to it. But there's an old adage that if you won't change your mind, perhaps you no longer have one. And as the discussion took place regarding this issue and unfortunately it still says 'expungement' up on the board and this is not an expungement issue. It's an issue of sealing. As a 30-year law enforcement veteran, one thing I have become completely

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convinced of and President Bush recently so eloquently put it that many, many people who make mistakes as young people get caught up in a cycle of poverty and crime and can never break that cycle. This Amendment gives them the opportunity to break that cycle. This is good legislation. As a retired FBI agent, I encourage you to support this. This is good for not only the people of Illinois, but I think it will be a precursor for other states to take a hard look at some very, very good legislation and hopefully, follow suit with Illinois setting the pace. Thank you, Connie Howard. I'm honored to see what you've done here. I'm honored to serve on that committee with you. And this is excellent legislation. I encourage 'aye' votes. Thank you."

Speaker Hannig: "On the Amendment, Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the House. I rise in support of this legislation. This is a great piece of legislation. So often as Legislators we are in charge of individuals' lives, we're the one's to decide whether they succeed in life or fail. This is a great piece of legislation to give them a chance to get back into society, become productive citizens and to take that invisible ball and chain from around their necks that continues to hold them down, if, in fact, we don't pass this legislation. Let's do this. This is the right thing to do. The fair thing to do. The equitable thing to do. We oftentimes talk about inclusion, equality and all the other things that go with, but as Legislators we often are the ones to

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stand in the way of getting these individuals back into society. So, I do stand in support of this legislation. I commend Representative Connie Howard for this piece of legislation. It's great. If, in fact, we're fair about this and we wanna make sure that these individuals have an opportunity to succeed and cut down on the recidivism rates, I think we all need to stand in support of this piece of legislation. I commend you, Connie Howard. Good job."

Speaker Hannig: "All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 3007, a Bill for an Act concerning the sealing of criminal records. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Howard."

Howard: "Thank you, Mr. Speaker. This Bill expands the kind of offenses that allow a person to apply for the sealing of their criminal records. I just want to make certain that we did hear my colleague who emphasized that we are not talking about expungement, but we are talking about sealing. The distinction being that when you have a record sealed, law enforcement remains... continues to have access to it. So that, we're asking that certain records be sealed. It specifically allows those who have successfully completed their sentences or those who have other arrests

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or court records for misdemeanor and felony prostitution and misdemeanor and low level drug possession felonies to appeal to a judge to seal their record. If the records are sealed, only law enforcement and public prosecutors will have access to the underlying list of offenses. The public will still be able to see that a person has a record, but will not be able to see what the record actually contains. The point is this, there are many people who have, unfortunately, gone into the prison system and when they come out, even having paid their debt to society, they are not able to get a job. This is about employment. This is about attempting to get people to be... be productive citizens again and to not revert back to negative ways. So that if you give them a job they can support their families and they can become productive citizens like the rest of us are. I ask my colleagues to please find it within your hearts to give me a 'yes' vote on this Bill. Senate Bill 3007."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Molaro."

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

Speaker Hannig: "Yes, she indicates she'll yield."

Molaro: "Thank you, Representative. Just... just so there's clarification so after we pass this people will know. On certain expungements and I know this is sealing as opposed to expungements. When you expunge certain records or even misdemeanor records or whatever it may be, when you're then asked the question on some form for employment, after an

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expungement, you can say if you were ever arrested or convicted, you could legally say, no, I was not because that was expunged. So, now this is sealed. And if the intent is to allow people to move forward in their life. So, I have... I have this drug conviction. I get convicted of a low level drug felony. It's 18 years later. Sixteen years ago I had it sealed. Now, I apply for a job and they ask were you ever convicted of a felony, do I have to answer 'yes' or could I answer 'no' because it's now 16 years later and this has been sealed?"

Howard: "Representative, you can answer 'no'. Unless... unless there is a... it is a situation where... where a criminal background check is required by law. If that is the case, you cannot say 'no', but other than that, you can say 'no'."

Molaro: "And those... those were delineated by one of the other Representatives. And I wanna... and the reason I think this is very, very, very, very important is what a lot of new people who are hired by HR people, personnel people, the way they go about sometimes to... to show why they were hired, they'll go out there and get applications and try to catch people in lies. And here's a great employee, they go back 4, 5 years, see that there was a record because they're just gonna start pulling stuff and they'll fire these people for lying on their application. So I wanna make it absolutely clear that unless it's required by law... if you have this sealed you can vote... you can say 'no' on

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your application and you would be following this particular law now? Is... that's correct, right?"

Howard: "That's correct."

Molaro: "Thank you very much."

Speaker Hannig: "Representative Flowers. Representative Flowers, do you wish to ask questions or make comments on this Bill? Okay. Representative Flowers."

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

Speaker Hannig: "The Lady indicates she'll yield."

Flowers: "Representative, just for a point of clarification because I know a lot of our constituents is gonna be calling our offices thinking that this is applicable to them. This is dealing with prostitution, drugs and it's a certain kind of drugs. It's the marijuana. And then there's the Class IV felony for cocaine. Are those the only crimes that's applicable that will be sealed as far as felonies are concerned?"

Howard: "Representative, only prostitution and low level drug offenses like possession."

Flowers: "So..."

Howard: "Only includes possession..."

Flowers: "...So, other..."

Howard: "...not dealing."

Flowers: "...other felonies that's out there..."

Howard: "Are not included."

Flowers: "...despite the fact these men may have served their time and have not had any other problems, they too must have their records still open and cannot be sealed?"

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Howard: "This, unfortunately, will only help those individuals who have the..."

Flowers: "The low-level crime..."

Howard: "...charge or a case of prostitution or possession of those drugs that we talked about."

Flowers: "Thank you very much, Representative. I just wanted some clarification. Thank you."

Speaker Hannig: "Representative Gordon."

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

Speaker Hannig: "She indicates she'll yield."

Gordon: "Just... just for clarification's sake, Representative. I... I'm reading in our analysis that this is gonna cost the State Police... it would cost \$885 thousand to update their computer system. Is that right?"

Howard: "That's what they've indicated to me, yes."

Gordon: "Okay. And... and the money is subject to the ICC permission to release that fund, is that right?"

Howard: "No. That is... that is not in the Bill."

Gordon: "Okay. Where does the money come from?"

Howard: "We have a plan that we're currently implementing to get the money into the budget. But, do keep in mind that the State Police have a year after we get... after we identify funds to... to do this."

Gordon: "So, if the State Police don't get their funds would they... then they would never have to do this or... I don't... I guess I don't understand. If the funding is never there, what happens?"

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Howard: "Representative Gordon, the records will be sealed at the local level, but the State Police then will not seal them until after they have gotten their computer system into shape to do so."

Gordon: "Is... is the only reason that the State Police are proponents of this Bill is because there's a possibility of funding for their computer system to implement the information?"

Howard: "It's my understanding that the State Police are neutral on this Bill."

Gordon: "Okay. Thank you."

Speaker Hannig: "Representative Howard to close."

Howard: "My colleagues, as you know, I am very passionate about attempting to help individuals who I believe deserve a second chance, a second chance to be able to become productive citizens and hopefully not to resort back or revert back to behavior that got 'em into trouble in the first place. I think if we give them this kind of help we will certainly maximize the possibility that they will not get in trouble. And I think that we as a state in the long run will benefit. I ask for your 'yes' votes."

Speaker Hannig: "The question is, 'Shall Senate Bill 3007 pass?' All in favor vote 'aye'; opposed 'nay'. 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 72 voting 'yes', 39 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On

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Supplemental Calendar #2 is Senate Bill 334. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 334, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "Okay. Let's hold that on the Order of Second Reading. Mr. Clerk, what's the status of Senate Bill 955?"

Clerk Bolin: "Senate Bill 955 is on the Order of Senate Bills-Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. And Representative Currie is recognized for a Motion."

Currie: "Thank you, Speaker. I move that we suspend the posting requirements so that Senate Bill 431 can be heard in the Committee on Public Utilities and Senate Bill 451 in the Committee on Transportation."

Speaker Hannig: "You heard the Lady's Motion. Is there any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted. Back to the regular Calendar on page 10. Mr. Clerk, on the Order of Second.. Senate Bills-Second Reading is Senate Bill 2241. Would you read the Bill, please?"

Clerk Bolin: "Senate Bill 2241, a Bill for an Act concerning insurance. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been approved for consideration."

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Speaker Hannig: "Representative Fritchey."

Fritchey: "I ask you, Speaker in the interest of time, can we come back in about five minutes? I got caught off-guard here. I appreciate it. Thank you."

Speaker Hannig: "We'll take this out of the record for a few moments. Okay. Representative Hamos, for what reason do you rise?"

Hamos: "Thank you, Speaker. My... my button was not functioning and I wish to be recorded 'aye' on Senate Bill 3007. Thank you."

Speaker Hannig: "The record will so reflect your intentions, Representative. On page 28 of the Calendar, on the Order of Resolutions, is House Resolution 853. Representative Bassi."

Bassi: "Thank you, Mr. Speaker, Ladies and Gentlemen. This particular Resolution proclaims July 24, 2004, to be Taoist Tai chi Awareness Day in the State of Illinois. It came to me from some constituents who are very into tai chi. And I ask for a favor... for its favorable recommendation."

Speaker Hannig: "The Lady has moved for the adoption of House Resolution 853. Is there any discussion? All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Resolution is adopted. On page 7 of the Calendar is House Bill, excuse me... Senate Bill 2349. Representative Rita."

Clerk Bolin: "Senate Bill 2349, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Rita."

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Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is... this isn't something new to address this House with this Bill. This measure corrects the double whammy problem that happens to tax cap counties. Something we passed last year and the Governor had an Amendatory Veto on it and we worked through the summer with him and as it stands now it's an agreed Bill. Answer any questions."

Speaker Hannig: "The Gentleman's moved for the passage of Senate Bill 2349. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 109 voting 'yes', 1 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, under House Bills-Second Reading, is House Bill 4895. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4895, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been adopted to the Bill. Floor Amendment #2, offered by Representative Joyce, has been approved for consideration."

Speaker Hannig: "Representative Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment 2 corrects the flaws in the language from Floor Amendment #1 and becomes the Bill and

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makes the original changes that we wanted to make which was recommended by the committee. And I move its adoption."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4895, a Bill for an Act concerning child custody. Third Reading of this House Bill."

Speaker Hannig: "Representative Joyce."

Joyce: "Thank you, Mr. Speaker. Again, this is a minor language change that gave options to a judge when deciding custody. We just add another line. It is all agreed to. I know of no opposition. And appreciate an 'aye' vote."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall House Bill 4895 pass?' All in favor vote 'aye'; opposed 'nay'. 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 111 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. And now on page 10 of the Calendar, we'll return to the Order of Senate Bills-Second Reading, Senate Bill 2241. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2241, a Bill for an Act concerning insurance. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by

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Representative Fritchey, has been approved for consideration."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker, my colleagues. We are all very aware of an issue that is confronting all of our districts. And that is the exodus of doctors from this state. Now, why they're leaving and what caused the problem that's leading them to leave is a subject of much debate and conjecture. The fact of the matter is that there seems to be a consensus that we need to do something to address the issue of medical malpractice liability and litigation in Illinois. Floor Amendment 1 to Senate Bill 2241 is not the ultimate solution. I will candidly admit that to you. What it is, is this, it is a significant step in the right direction. It is the product of discussions from a number of interested parties. The doctors were at the table. The hospitals were at the table. The lawyers were at the table. Legislators were at the table. There has been a lot of give and take. What is most telling about a piece of legislation, this piece of legislation, is who is against the Bill. And let me tell you from the get-go who is against the Bill. The Illinois Trial Lawyers are against this Bill. The Illinois State Medical Society is against this Bill. The Illinois Hospital Association is against this Bill. Why? Well, they will tell you a number of reasons, most of which will say that it either goes too far in certain areas or it doesn't go far enough in other areas. What I'd like to do and because I'm sure there's

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gonna be questions on this, is give you a synopsis of what this Bill does and what we're trying to address. There are three principal areas that we have tried to tackle in this Bill. The issues of insurance reforms, regulation reforms and civil law reforms. In the area of insurance reforms, we are now enabling the director of insurance to review and reject proposed increases, rate increases, and recommend rate reductions, something that has never been done in the past 20 or 30 years in this state. We would require a rate review public hearing if there's a rate increase proposed in excess of 10 percent. We would make actuarial data available to encourage new market entrance. Ladies and Gentlemen, especially my colleagues on the other side of the aisle, we talk about competition, we talk about trying to lower insurance premiums. How do you get your insurance premiums down? Get more insurers into this state. The insurers are not coming in here because of our litigation climate. They're not coming here because they don't have the information they need to be able to adequately write insurance coverage in this state. We want to make that information available to them, this Bill would do that. We would allow the director of insurance to compress rates based on a relative basis for all classes of doctors. We would take some of the burden off our medical professionals by requiring med-mal carriers to offer deductibles thereby reducing premiums. We would mandate minimum insurance coverage or self insurance equivalent. And we would authorize counties to create their own medical malpractice

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insurance companies. From the insurance standpoint, Ladies and Gentlemen, the doctors will tell you, your editorials will tell you that it's the insurance premiums that are driving doctors out. We are taking a number of steps to take that issue on, head on. From the issue of regulation of doctors. It's tough for us to weed out and sanction the bad doctors. And like any other profession some are better than others. But it's tough to do that if you don't have the resources. What we would do is increase the number of investigators, coordinators and public members on the disciplinary board. We would allow DPR the authority to refuse to renew a doctor's license. We would increase the statute of limitations. We don't want the department to rush to a bad judgment or to rush to no judgment because of time constraints. So we would allow... increase the statute of limitations for disciplinary actions. We would allow the department to disclose disciplinary information to law enforcement agencies in the event of an ongoing criminal investigation. We would provide immunity from prosecution for providing alleged doctor negligence information to the disciplinary board. And we would allow for the expungement of doctors' disciplinary records for administrative matters. So if the doctor has a fine for the late filing of his application, we'll allow them to expunge that. Ladies and Gentlemen, a lot of these things that the doctors will now object to are items that they came to the table with and they wanted in there and by god there in there. With the respect to civil law. Certificate of

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merit. Medical malpractice lawsuits are very unique in this state. They are the only lawsuits in which the plaintiffs are required to file a certificate of merit by an individual in the field who says there is merit to this claim. That certificate of merit will now be reviewed in camera by a judge and that judge will make the determination if that lawsuit should even be allowed to go forward. We're strengthening that in this Bill. We are going to allow a limited number of extensions to the issue of respondents in discovery. For those of you that don't know, when a med-mal case gets filed, rather than name everybody under the sun as a defendant, you have some individuals that you think will have information. You name them as a respondent in discovery rather than have those individuals be on the hook for some undetermined amount of time we're gonna limit that period now to 18 months. Do the trial lawyers want to do that? No, they didn't want to do that, but it's in this Bill. We're gonna implement a program that's a pilot program from a Kentucky VA hospital called 'sorry works'. What does that do? It helps unclog the court system by telling doctors and hospitals if you made a mistake, own up to the mistake, make a fair settlement for that mistake and everybody can go on with their lives. We're gonna provide that a doctor can be what he or she always is and that is a human being. We're gonna allow a doctor to tell an individual I'm sorry that you had bad outcome for your surgery and they don't have to worry that their show of remorse, their sincere show of remorse,

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will be used against them in a court of law. So those types of sincere expressions will no longer be admissible. We're gonna have increased use of arbitration in med-mal cases. And we're gonna expand immunity for health care professionals, including ret... retired doctors who provide free medical clinic treatment. Ladies and Gentlemen, I can talk about this more at length, I will as we go forward. In the interest of the Body's time, I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for the adoption of Floor Amendment #1 and on that question Representative Winters is recognized."

Winters: "Thank you, Mr. Speaker. First, let me ask for there to be a recorded Roll Call and a verification on this Amendment?"

Speaker Hannig: "Yes. You will be so granted, Representative, you're within your rights."

Winters: "Thank you. And will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Winters: "Representative Fritchey, I'm just gonna take some of your statements in order. First, dealing with the affidavit of merit. This is an issue where the feeling of many of the people involved in medical liability issues is that sometimes the reviewing physician may not be current, may be a retired doctor, may not have not worked in that area and the changes you're allowing... Currently, in our law, it states that a physician who signs that affidavit of merit has to be qualified by experience or demonstrated

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competence. Now, I understand that your Amendment actually states that he has to show familiarity. Do you define 'familiarity' in the Bill?"

Fritchey: "Let me... let me..."

Winters: "And how is that a higher standard than a demonstration of competence?"

Fritchey: "The precise language today is that the doctor is qualified by experience or demonstrated competence in the subject of the case. What it would now state is that that the doctor is familiar by experience with the standard of care, with the methods, the procedures..."

Winters: "Well..."

Fritchey: "...and the treatments relevant to the allegations against the defendant. As far as how that gets determined, Representative, the judge, the trier of fact in this case, is going to be the first individual to see this certificate of merit. That judge will have an in camera review and that judge will be the person that makes a determination whether or not the individual is qualified to present a stand... a certificate of merit and whether the certificate of merit is..."

Winters: "Well, all I am saying is that when you... when you have a standard that says that he demonstrates competence you are lowering it to say that the judg... that the medical doctor certifying this is familiar."

Fritchey: "...a... a..."

Winters: "Familiarity does not demonstrate any kind of competence or current knowledge to my way of thinking,

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that's standard language. That's... that's just using the English language and common sense. Competence means competence. Familiarity means he knows something about it. That's up to the judge, I understand that, but I think the language that you're using does not tighten the certificate of merit, it actually loosens it."

Fritchey: "But... but... it and I'm not trying to interrupt you but I do want to clarify this point because it is important. There are two prongs right now, either one of which there either has to be a demonstrated competence or simply qualified by experience. If the doctor is qualified by experience today, that, in and of itself, is... is sufficient for the certificate of merit. The... the demonstrated competence is an alternative standard. What we have said is that we are taking that standard and we are making it tighter. We can have a semantic disagreement over which one is... is a tougher standard. We believe that the one we have today is a tougher standard."

Winters: "As I understand the procedure, a judge then would look at the qualifications, a letter from the doctor saying, yeah, I'm really familiar with what happens in this particular case. That's done in camera, meaning that neither plaintiff's nor defendant's attorney has access to the judge when he's making that decision. Is that a fair statement?"

Fritchey: "That's a fair statement."

Winters: "Is the doctor's name ever revealed so that someone can go and look at his resume, look at his operating

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standards, and how current he is? Do we... does the plaintiff or the defendant's attorney have access to who actually is signing the certificate of merit, which doctor is?"

Fritchey: "Well, the plaintiff's attorney is the one that has retained the expert to make the opinion..."

Winters: "Exactly."

Fritchey: "...and... and... the individual that has access to the qualifications of the doctor, yes, somebody does and that's the judge."

Winters: "So, the plaintiff's attorney is basically recruiting this person and then the judge would look at his qualifications, a judge who has no medical training himself and we're not... we're not setting up any special... special medical courts here, which is another idea that is put out. Let's have a pilot project and get specialists in the medical liability field and judges trained there. We have a common circuit judge, who may not have any medical experience whatsoever, he's asked to review the qualifications of a doctor and say whether this guy is actually an expert. Is that not correct?"

Fritchey: "I... I would submit to you that that is the same judge that will presiding over the case and we... and we put these cases before juries of lay people with no specific expertise..."

Winters: "But..."

Fritchey: "...and that's the underpinning of our judicial system."

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Winters: "Absolutely. However, the defendant's attorney has a right to... to challenge in court, in front of that jury and bring up the opposite side. He's not allowed in camera on whether or not this physician who's signing off on the certificate of merit has any qualifications whatsoever. And we're not releasing that information so that the defendant's attorney can mount any kind of legal attack on the qualification of the certificate of merit."

Fritchey: "The very existence of the certificate of merit is a hurdle that does not exist in any other type of tort lawsuit. All right."

Winters: "Okay. What... what happens if the judge says, in fact, ya know, I don't really think the plaintiff's attorney has done a good job of... of finding a qualified reason why we should allow this case to go forward. What happens? The judge says, I'm gonna... I'm gonna throw this case out; I don't think you've established a good certificate of merit. What happens?"

Fritchey: "With leave of the judge, a new certificate can be filed or the case can be dismissed."

Winters: "Oh, great. So, now you've failed at your first... your first major step, which is saying we've gotta really serious medical case here. The judge says, no, you don't have a serious case. Well, okay. Well, that means that I'd better go back and amend my pleadings, amend all the grounds for bringing this case forward. Oh good, I'll have a second bite of that apple. I failed the first time. It wasn't a very good case but now that I know what the judge

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is complaining about, I'll have a second shot at it. Is that a fair statement?"

Fritchey: "It's actually not a fair statement. These are... we're not even at the pleading stage at this point. This is simply the filing of the certificate of merit for whether the suit can be filed and proceed."

Winters: "Okay. Let's... let's say this judge says the first... the first guy that signs the certificate of merit, maybe he isn't familiar with the case. So, does the plaintiff's attorney then able to go out and find somebody else that will sign his name on the... on the dotted line and file a new certificate of merit or at least an amended certificate of merit..."

Fritchey: "Y..."

Winters: "...with a better qualified physician?"

Fritchey: "That would actually be at the discretion of the judge. But the... there is a scenario once the plaintiffs would, in fact, be able to retain a... a either a different individual or refile that certificate of merit just to get to the point of being able to file the lawsuits."

Winters: "Okay. I think... I think we've established some serious flaws with your first..."

Fritchey: "Well, we could agree to..."

Winters: "...major element. I think..."

Fritchey: "...we can agree to disagree with that."

Winters: "Well, you may disagree with it. I'm... I'm putting forward the case that I think we've got flaws in the certificate. Let's move on then to the respondents in

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discovery issue. This is basically where you think there may be some testimony that should be allowed in the case. Currently, it's up to the judge. Representative, currently, it's up to the judge whether or not he grants extensions. Is that not the case?"

Fritchey: "Yes, that is correct."

Winters: "So, the judge may say this case is moving forward, it's on the right track. You've got some questions. I'll grant you a three-month extension or a six-month extension and then that's it. That's the current way that a judge can handle it."

Fritchey: "And... and... and if the judge can keep granting multiple extensions at... at..."

Winters: "Yes, he can, but he could also cut it short and say this trial is going to go to the jury. Cut it short, quit dragging out this case. Under your Bill, don't you have unlimited extensions? You have written in it three six-month extensions and additional ones at the judge's discretion, but a minimum of 18 months. Is that not correct?"

Fritchey: "It... Representative, I'm gonna assume that it's an innocent misstatement. But the law today is that there is no cap on how long respondents in discovery can be held in."

Winters: "And you are not putting any cap on it. You're saying a minimum of 18 months..."

Fritchey: "We are putting... we are..."

Winters: "...with extensions as the judge wants."

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Fritchey: "...we are putting a maximum of 18 months for the respondent in discovery period."

Winters: "Well, that's not the way we read the language of it. Let's move on then. I have plenty... plenty of arguments against this fatally flawed legislation. The personal asset protection language. One of the complaints that we've had and I've been at hearings all over the state with medical doctors crying that they have to leave a profession. They've studied through 3 years of medical school, residency. They've put their lives on the line for their communities and because of the cost of their liability insurance they are either retiring in their mid-forties or they're leaving the state or they're changing specialties, trying to get out from under the onerous Illinois laws. What have you changed in asset protection language in this legislation? Anything? Are they still liable to lose their homes, lose their savings accounts, lose their retirement accounts, their children's college accounts, every dime they've ever made?"

Fritchey: "They have no greater nor no less protection of their personal assets than do you or I or any other individual sued in tort in the State of Illinois. David... and excuse me, Representative..."

Winters: "Okay, you just admitted..."

Fritchey: "Let me... let me, if I may... if I may finish. If the interest is preventing... in trying to encourage settlements and preventing cases from going to trial, one of the biggest enhancements to getting cases settled is the fact

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that an individual in the State of Illinois be it a doctor, a farmer, an accountant, a shop keeper, if you get sued for a tort your assets are personally on the hook. And we..."

Winters: "So what you're saying... saying if I can..."

Fritchey: "Is that... is that this Bill maintains the law as it is today."

Winters: "...does nothing for asset protection for doctors, in other words, what you're saying is today we can threaten you with losing everything that you've got, you'd better settle the case quick before we take everything that you have. That's... that's basically... you're leaving it the way it is today. That's... that's why I want everybody to understand, we're not changing anything on asset protection."

Fritchey: "We are... we are maintain..."

Winters: "We're not changing anything."

Fritchey: "We are maintaining the same level that exists today which keeps doctors on the same playing field as any other..."

Winters: "Well..."

Fritchey: "...defendant in a tort case."

Winters: "...all I'm saying is there is a crisis in this state. We need to make some changes and this legislation is not making any changes."

Fritchey: "If you were to protect their personal assets you are gonna have more cases go to trial because that doctor is gonna have no incentive and he's gonna... force this case to go to trial. Whereas, you realize an inherent conflict

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many times between the interests of the doctors, the interests of the hospitals, the interests of the insurance companies. We are trying to come up with a situation in which, it's not the lawyers coming out on top, not the doctors coming out on top, not the hospitals, the patients and the families in this state that are... they're at risk. This is not a downstate issue. As I've told people in the..."

Winters: "I never claimed it was."

Fritchey: "As I've told people, I'm... I'm from the northside of Chicago. I have doctors in my district that are practicing without insurance. I have doctors in my district that have folded up their practice because they can't pay... and it's not just Illinois, it's happening in a lot of states and we could debate another day why this is happening. The issue is, are we going to take a step forward today, not to fix the problem forever, but to start on the road to recovery."

Winters: "All right. I'll take up your issue of taking a step forward in a minute. One last area that I'd like to delve into a little bit and that is on the insurance regulation. One of the... one of the pieces of testimony that we've had across the state in these hearings is that we only have approximately five insurance companies left in the State of Illinois that are willing to write medical liability on all different specialties. Very little competition. Illinois is known nationwide in the insurance industry in general as a very competitive state. Lots of companies in Illinois trying to do auto liability, they're trying to do farm-

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owner protection, they're doing personal property, life insurance companies. They're competing all over, much more than in any other state because we have a pretty wide open insurance market. It's a market that drives rates down because companies are trying to compete and get those customers. Not in medical liability, they're fleeing their state, they're refusing to write coverage for our doctors because they can't make any money here. Now..."

Fritchey: "As..."

Winters: "Just let me go ahead. Now, the changes that you're doing is basically going to require insurance companies to relinquish all of their data to make their actuarial data available to every competitor. This is data that they have gathered. Now, the Department of Insurance already has this data by specialty, by county, not by individual cases, but by county and by specialty..."

Fritchey: "But not by insur..."

Winters: "...by rates."

Fritchey: "But not by insurable reason, which is how they want this information. Most states today make this information available. If you want competition, you want more insurance companies to come in... They're not fleeing the state because they cant make money. They're not coming into this state because they don't know how to price the... because they don't know how to price these policies because we have a pre... there's a protection put on the actuarial data and I'll tell you what, the lobbyist for the... for his

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speech today was very honest. He said that's our priority information, we don't want to give it..."

Winters: "Absolutely."

Fritchey: "...up because it puts them at a competitive disadvantage. Do you want to maintain their competitive advantage or do you want competition and lower rates for doctors?"

Winters: "This is the whole idea of a free market. If you work at a market and develop your own institutional knowledge, that is your property. It's not anybody else's and we have no right to force that out of the insurance companies."

Fritchey: "Then you..."

Winters: "Their rates are already public. Every other insurance company trying to enter the State of Illinois knows what rates are by county and by specialty."

Fritchey: "Then your choice..."

Winters: "That's perfectly within the public purview, but finding out..."

Fritchey: "Then your choice... your choice is clear then."

Winters: "...the intellectual property of an insurance company is illegal and should not be put forward into this Bill."

Fritchey: "Then you can choose... you have two choices on that issues. Choose to protect at these rates or choose to have lower insurance premiums for your doctors by having competition in the state. One or the other."

Winters: "All you're allowing is insurance companies to come in and 'cherry pick', 'cherry pick', not go into the counties where they're at most danger like Madison County, like Cook

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County, like Winnebago County or Jackson County. The serious the most out of control court systems are where we will not see these insurance companies competing. They're gonna 'cherry pick' if they have the actuarial data. They only deserve to have what they've always had, which is rates. The rates are what they are competing on, they have that access through the Department of Insurance."

Fritchey: "The department..."

Winters: "that is what they should be constricted to."

Fritchey: "The director testified today that the way they have their informa..."

Speaker Hannig: "Rep... Representative..."

Fritchey: "I apologize."

Speaker Hannig: "I don't think that was a question, I think that was just a statement. Representative Winters, could you bring your remarks to a close, please?"

Winters: "We've gone through most of the points, the major points, of this Bill. The Sponsor has said already that he's trying to solve... he has a solution he thinks for the crisis in... in patient access. Patient access is not gonna be helped by this Bill. What we have instead of trying to do something, let's at least do it right. Instead of doing something, which is not gonna help the situation, let's stop, reconsider, do something real instead of something that is simply... putting a good face on an effort that's not gonna have any real effect. What we have here is a train wreck. We can see the bridge across that flood-swollen river is out, it's broken, it's down. There's not gonna be

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patient care in Illinois. And what you've done is you've flipped the switch so we're on a different track but we're still going over a broken bridge. I submit that this Bill will not do anything that will help retain doctors in Illinois, bring in additional insurance companies and insure that we have access to medical care. What you're doing is not a solution and I urge this Body to not adopt this Amendment. Thank you."

Speaker Hannig: "Representative Miller. Representative Miller. Okay. Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Hannig: "He indicates he'll yield."

Mathias: "First, I wanna thank both Representative Fritchey and Senator Cullerton for all the hard work that they have put in and all the hours they've put into this into this Bill. Along with a lot of people on both sides of the aisle who've been working many hours trying to come up with a solution to this... to this problem which really is at a crisis stage through the state. Repre... Representative Fritchey, you believe, I assume that... or let me ask you, what do you believe this will do to the medical malpractice insurance rates in our state as if this legislation is passed?"

Fritchey: "I believe that if we can pass and apply this legislation as it's presented today that we will start to streamline the litigation process, that we'll increase competition in the insurance industry, that we will make it

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more amenable for companies to come in and write coverage in Illinois. And... and we give the director the ability that she does not presently have to roll back rates or to put the halt to rate increases which she believes that are excessive. We do not have that ability today. If doctors are leaving because of insurance premiums being too high, this addresses that issue. Representative, you and I have talked about this. I made the comment today, I made the comment in committee. It is not a final step. But we owe it to our doctors, we owe it to our constituents who may be patients one day to start to move the process forward. This Bill starts to move the process forward."

Mathias: "So, basically, I... I'm not sure if you answered my question. But basically, if I... and I don't wanna put words in your mouth, are you saying that the reason that rates will go down if this may go down if this Bill is passed is because the Department of Insurance will roll back those rates?"

Fritchey: "That... that... that's simply one arrow in the quiver. What I'm saying is, that in virtually any industry increased competition results in lower costs, lower charges. I believe that this will increase competition for a number of reasons in the insurance industry in Illinois."

Mathias: "So, you believe there's gonna be more competition even though insurance companies have been leaving the state and not... and in fact some of the ones that remain are only... renewing existing policies and some are not even issuing

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new policies to... to doctors who wanna switch their insurance, is that correct?"

Fritchey: "I... I... I believe that this legislation will make Illinois a better place for insurance companies to do business in the med-mal arena. Yes."

Mathias: "Have you talked to the insurance companies?"

Fritchey: "I... I think that you just need to look at this empirically to say again, if you create it... if you create a situation where more companies can compete on an even playing field that will inherently drive down prices."

Mathias: "But... but can you give me the name of one insurance company either in this state or outside of the state that you've talked to that will... said if you pass this we're coming to Illinois and we're gonna lower our insurance rates?"

Fritchey: "Wi... without this... we... we have had specific insurance companies say that this is the type of legislation which will encourage them to come back into Illinois."

Mathias: "Will you require them to write insurance in every county?"

Fritchey: "I apologize."

Mathias: "Will... will you require... ya know, once they come here, if they are gonna come, are they gonna 'cherry pick' or are they gonna be required to write insurance companies... insurance policies throughout the whole state?"

Fritchey: "I... I believe that you would find doctors in your district and mine and around the state who would recognize in the fact that 'cherry picking' is a euphemism for

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writing lower rates and that if there are lower risk areas and specialties and specific doctors that can be written for lower rates that they will do then I gotta tell ya what, if I'm a good doctor with a good practice I'm okay at being cherry picked."

Mathias: "Ya know, the problem is, that this insurance problem affects all of the doctors in the state. Obviously, I think we all admit there are some doctors maybe that aren't as good as some of the other doctors, but all of the doctors in... and especially the ones in the specialties, the high risk specialties, even if they had no claims are getting hit. And I don't see anything in this legislation that's going to help, ya know, those doctors wanna come back to the state if they've left already and not stay in this state because if you, ya know, if there aren't... if you can't tell me any insurance companies who have made a commitment that they'll come here and lower their rates, what's going to change?"

Fritchey: "Well, ya know what, and I'm glad you said that and that goes into the enforcement area, because the Medical Society asked for a lot of things to be in this legislation and there in here because they recognize that rates for all doctors can be disproportionately high because of the acts or actions of some bad doctors. So how do you address that? You have more investigators, you have more enforcement powers, you have the ability not to renew licenses. You have all these powers that do not exist today that the doctors said, hey, you know what, this would

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help us, this would help lower premiums if we could do this and we recognize that, ya know what, you're right. And we're gonna put all that in the legislation. The doctors wanted more enforces, we got more enforcers. They wanted the ability to refuse to renew, we put that in there. They wanted broader violations regarding drugs, that's in here. You wanted... they wanted an increased statute of limitation, that's in here. They wanted changes to mandatory reporting, that's in here. They wanted peer review committee immunity, that's in here. They wanted department disclosure of information to law enforcement, that's in here. These are all things which will weed out the bad apples in the practice and in turn reduce prac... reduce rates for all doctors. You are right. Doctors are paying disproportionately high numbers. We need to go after the bad ones. The doctors hit it right on the head. The Med Society had a ton of great ideas and that's why they're in this Bill."

Mathias: "And believe me, I am not going to cut sta... ya know, come here today and say that there's not some good things in this Bill. I agree with you, there are some good things. But I think we can all, well, at least, I, in my own mind, believe and I've gone to a lot of the meetings in my district and down here and talked to a lot of doctors throughout this state about this issue and unfortunately the real solutions to these problems are off the table. The ones that in neighboring states have, in fact, substantially lowered their premiums compared to Illinois,

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those issues are off the table from the beginning. And as I said in committee today and I've said in... in... other meetings, the only way to resolve this issue is if everybody on all sides gives 'til it hurts. Not just the doctors, not just the insurance companies, everyone on all sides have to give something that's substantial in order to make this work."

Fritchey: "You are..."

Mathias: "And if you... if you come to the table and the first thing that's said is, okay, we're gonna remove the majority of things that... that... that will hurt, ya know, that will solve this issue... Ya know, it was said in committee today that we should have fair compensation for victims. And the problem I see here is, the next set of victims are going to be the people who will need insurance in the future but won't have doctors here to treat them for some of the real risk specialties. And I just don't believe that unless you put everything on the table and you negotiate everything and maybe you won't like some of things we negotiate and maybe the doctors won't like'em and maybe the trial lawyers won't like'em but you can't have a package at a... at a fair negotiation unless all things are open. And that's... that's what I fear here. I don't want people leaving here saying and I know you've said it, this is not the panacea, it's not the solution. And... and you've said it and it's a step. But unfortunately, steps right now, baby steps, aren't gonna help because doctors are leaving. Ya know, they are leaving throughout the whole state. We need a real

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solution right now, we can't wait to take baby steps and hope someday that we're gonna change the system in enough incremental steps to keep the doctors. We gotta make major changes today and there's no major changes in here."

Fritchey: "Rep... Representative, all the major groups would actually disagree with you. Unintentionally, you argued very eloquently for why this Bill works. You said everybody needs to give until it hurts. All the parties sat at the table, all the parties suggested what they wanted on the table. We set the table and now they've all walked away. The trial lawyers said this hurts. It's tort reform and we don't like it. The doctors say this hurts, there's no caps in it. We don't like it. The hospitals say, it hurts, we don't like it. If your idea of a good solution is one where everybody has to share the pain, this is the Bill. If you are waiting for a piece of legislation that is sponsored by the trial lawyers and opposed by everybody else, that's not gonna move. If you're waiting for one that's sponsored by the doctors and opposed by anybody else, that's not gonna move. The one that's going to work, is if you get them all onboard and I don't see that happening soon or we have none of them onboard and we don't answer to the special interests, we don't answer to the doctors, to the lawyers, to the hospitals, we answer to our constituents and that's what we're trying to do here."

Mathias: "And I..."

Speaker Hannig: "Representative, could you bring your remarks to a close, please?"

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Mathias: "Thank you. And I think our constituents, when they see that this and certainly I... I'd be the first to come over there and say I was wrong. But I really believe deep in my heart that this is not the way to go, that we need to put all of the major issues... how to deal with the frivolous lawsuits on the table, how to deal with the caps on the table. And if we don't do that, like I said, the next set of victims will be us because we won't have doctors to go to when we need care in high risk specialties. So, I urge everyone to vote 'no' to this Amendment."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. To the Amendment."

Speaker Hannig: "To the Amendment."

Bost: "Ladies and Gentlemen, I don't think I need to even debate with the Sponsor on this issue. And the reason being is, is that I live in one of the counties that have been most negatively affected by this problem. I've watched southern Illinois docs leave. I've begged and I've pleaded and I... I... think this committee has tried but I think they're also feeling pressure from certain sides that they've made choices not to include certain things that would actually cure this problem, that would allow us to compete and have good insurance coverage for our docs and still have sensible coverage and protection for the patients when the states around us can offer that. And I live in an area where we no longer have neurosurgeons, where we almost lost a firefighter because of the time it took to transport that firefighter from the southern

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Illinois area, guess what, to Missouri. Ladies and Gentlemen, I'd love to be able to say this Amendment is going to cure that problem, but people from all sides are saying this Amendment wont cure that problem. All it's going to do is, it's going allow each of us as Legislators, if you vote for it and if it does pass, to go back to your district and tell them, oh, see we did something for ya. But your docs are still gonna leave and then what are you gonna say... say to... to your constituents? I don't wanna face that. I want to see them really cure the problem. This doesn't do it. When you talk to the people involved, yes, they've met. But as one of the other speakers said earlier, things were taken off the table too early, real change, real cures for the problem. Ladies and Gentlemen, this does not cure the problem. Oh, this gets you outta here. This gives you a sound bite. So you can say, see, we tried to cure the problem but ya know, we're... we're gonna take baby steps. Well, folks, baby steps are not gonna bring my docs back. Baby steps are not gonna save those people who may die in my area. Folks, go back to the table. First off, let's kill this Amendment. Let's take it back to the table. Let's get real reform before we leave here. Let's not leave here until we have real reform, so that we know our constituents, the patients of the State of Illinois, are taken care of, that we have docs. Folks, a while ago the Sponsor made a statement that he wasn't going to... that this didn't... that this allowed 'cherry picking' and that's okay. Well, no, it's not. Not

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whenever they can choose their venue on where they're gonna insure. Because what you're telling people in Jackson County is never mind, you don't need doctors. Madison County, you don't need doctors, either. And if you're from Madison County, whatever you do don't go across into Missouri because now over there they're making decisions that maybe they won't insure you if you're from there either. Folks, real change needs to occur. This is not real change. Let's kill this Amendment. Let us put the Sponsor and all of the people I know have been working hard, but put 'em back to the table, bring all parties back to the table and get some agreement."

Speaker Hannig: "Representative Franks, the Gentleman from McHenry."

Franks: "Mr. Speaker, I move the previous question."

Speaker Hannig: "Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put and Representative Fritchey to close."

Fritchey: "Thank you, Ladies and Gentlemen. This is truly a piece of legislation on which reasonable minds can disagree. It's easy to be emotional on this issue because all of us care about medical provisions in our various communities. We all have different ideas about how to get there. From a political standpoint, if you're worried about a repercussions of a 'yes' vote or a 'no' vote let me tell you something. If you vote 'yes' and you have an opponent they may well use your 'yes' vote against you. If

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you vote 'no' they may well use your 'no' vote against you. So, rather than take a vote based on political opportunism, let's think about what it is we have the opportunity to do here. Are you... do you wanna wait for another Bill this Session? You're not gonna get one. That doesn't mean to take this one because it's the only one you're going to get, but there's a step that we can take right now toward getting the solution. We can go home. We can continue to work on the problem but th... say that we have done something in the meantime to try to fix this situation. Folks, I'll respect you however you vote on this, as we all will. I believe it's a good step in the right direction. I believe that we have come up with a piece of legislation that extracts concessions from the lawyers, from the doctors, from the hospitals. Doesn't make Illinois a perfect place but it makes it a little better place for all of us. I request an 'aye' vote. Thank you."

Speaker Hannig: "The Gentleman moves that the House adopt Floor Amendment #1. There's been a request for a Roll Call vote on this as well as a verification. So the question is, 'Shall the Amendment be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 37 voting 'yes', 71 voting 'no' and the Amendment fails. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Hoffman, has been approved for consideration."

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Speaker Hannig: "Representative Fritchey, do you wish to take this out of the record at this time? Okay. The Gentleman wishes to take the Bill out of the record. Representative Currie is recognized for a Motion. Representative Currie moves that House Joint Resolution 90 be reconsidered. All in favor of the Motion to reconsider say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion to reconsider House Joint Resolution is adopted. Representative Smith, for what reason do you rise?"

Smith: "Thank you, Mr. Speaker. I believe on a point of personal privilege. Someone lost a checkbook in the men's room. There's no name on it. I'm taking bids."

Speaker Hannig: "Representative Black, for what reason do you rise?"

Black: "Yes, Mr. Speaker, I'm from far downstate. Could you tell me what is a checkbook? We..."

Speaker Hannig: "Representative Miller, for what reason do you rise?"

Miller: "On Senate Bill 2241, just wanted to announce a potential conflict of interest."

Speaker Hannig: "Thank you, Representative. Mr. Clerk, would you read the schedule, the committee schedule, for the rest of the day."

Clerk Mahoney: "Committee schedule. Immediately following Session, the Appropriations-Elementary & Secondary Education will meet in Room 118. Fifteen minutes after Session the Elementary & Secondary Education Committee will meet in 118. Immediately following Session, the

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Environment & Energy Committee will meet in 122-B. Human Services will meet in 115, Public Utilities will meet in D-1, Transportation & Motor Vehicles will meet in C-1."

Speaker Hannig: "Are there any announcements? Okay. At this time Representative Currie moves, that allowing perfunctory time for the Clerk, that the House... excuse me... Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, point of personal privilege."

Speaker Hannig: "Yes, state your point."

Black: "I just simply... ya know, we always say good things about people on Death Resolutions and I'm serious when I say this. I wanna tell you when you're here. You have had a long day in the Chair. You have presided over some contentious issues and I simply want to thank you and commend you on a job well done. You're very, very fair. Thank you."

Speaker Hannig: "Thank you, Representative Black. Mr. Clerk, would you read the Agreed Resolutions."

Clerk Mahoney: "Agreed Resolutions. House Resolution 998, offered by Representative Capparelli. House Resolution 999, offered by Representative Cross. House Resolution 1000, offered by Representative Kurtz. House Resolution 1001, offered by Representative Osterman. House Resolution 1002, offered by Representative Cross. House Resolution 1003, offered by Representative Currie. House Resolution 1004, offered by Representative Sacia. House Resolution 1005, offered by Representative Sacia. House Resolution 1009, offered by Representative Osterman. House Resolution

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1011, offered by Representative Flider. House Resolution 1014, offered by Representative Monique Davis. House Resolution 1016, offered by Representative Turner."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Agreed Resolutions are adopted. Representative Currie now moves, that allowing perfunctory time for the Clerk, that the House stand adjourned until tomorrow Friday, May 28, at the hour of 10 a.m. All in favor of the Motion say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted and the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will now come to order. Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following legislative measures and/or joint action Motions, were referred, action taken on May 27, 2004, reported the same back with following recommendations: 'approved for floor consideration' Amendment #2 to Senate Bill 334, Amendment #3 to Senate Bill 2411; 'on the Order of Concurrences' a Motion to Concur with Senate Amendment #1 to House Bill 829. Senate Amendment #1... a Motion to Concur with Senate Amendment 1 to House Bill 829. Motion to Concur with Senate Amendment #1 to House Bill 835. Referred to the House Committee on Rules: House Resolution 1010, offered by Representative Dunn, House Resolution 1012 offered by Representative Miller, House Resolution 1013, offered by Representative

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Milner, House Resolution 1015, offered by Representative Molaro. There being no further business, the House Perfunctory Session will stand adjourned."