

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

219th Legislative Day

1/11/2005

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones and pagers. And we ask our guests in the gallery to rise... to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Colonel Randy Harrison from Petersburg, Illinois."

Colonel Harrison: "Let us pray. Dear Lord, our Savior, our benefactor, our divine counselor of faith, moral courage... courage and righteousness, thank You for all You have or will bestow upon us, Your humble servants. Lord, watch over this humble Body of political leaders as they proceed with their most difficult tasks. Help them make wise judgments and give them the courage to choose the harder right over the easier wrong. Lord, lay Your gentle and protective hands on each of our service members, especially those that go into harm's way. And Lord, be present with their families through these trying times. Thank You, Lord, thank You. Amen."

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

Hassert et - al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Mr. Clerk, Committee Reports. Representative Currie."

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Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Rose is excused today."

Speaker Madigan: "Mr. Clerk, take the record."

Clerk Mahoney: "Committee Reports. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education..."

Speaker Madigan: "There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, which the following measures were referred, action taken on January 11, 2005, reported the same back with the following recommendations: 'recommends be adopted' a Motion to Concur with Senate Amendments 2, 3 and 4 to House Bill 757. Representative Burke, Chairperson from the Committee on Executive, which the following measures were referred, action taken on January 11, 2005, reported the same back with the following recommendations: 'recommends be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 1000. 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 January 11, 2005, reported the same back with the following consideration..."

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recommendations: 'approved for floor consideration' is a Motion to Concur with Senate Amendment #1 to House Bill 949; recommends 'be adopted' House Resolution 1044; recommends 'be adopted' House Resolution 1261; accept a Motion and recommends 'be adopted' to Senate Bill 3188."

Speaker Madigan: "Representative Lyons. Page 2 of the Calendar, on the Order of Concurrence, there appears House Bill 757. Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker. House Bill 757 and its Amendments 2, 3 and 4 is language... is legislation that was necessitated because a high school student in my district who had developmentally disabilities was not able to graduate with her high school class. She was told that if she did so she would forego the special education services that was available to her until the age of 21. Therefore, Senate Amendment #2 requires schools to adopt a policy that allows high school students with Individual Education Plans to participate in commencement ceremonies and receive certificates of completion even... even if their IEP calls for a continuation of special education. This law has been dubbed 'Brittany's Law' because Brittany Booth is the student who really wanted to graduate with her class and was told she could not do so. I am very proud to sponsor this legislation. It also includes Senate Amendment #3 which is cleanup language to the School Code, making election of school board members and the ballots more user-friendly. Senate Amendment #4 also provides cleanup language on previous legislation that has passed both

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chambers to reduce inconsistencies and update the other section of the School Code to reflect the changes in the compulsory age made by those laws. I would ask for your support for House Bill 757."

Speaker Madigan: "The Lady moves that the House concur in a... in Senate Amendments #2, 3, and 4 to House Bill 757. There being no discussion, the question is, 'Shall the House concur in those Amendments?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 1 person voting 'no'. The House does concur in Senate Amendments #2, 3, and 4 to House Bill 757. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative John Bradley. On page 3 of the Calendar, on the Order of Amendatory Veto Motions, there appears Senate Bill 3188. Mr. John Bradley."

Bradley: "Thank you, Mr. Speaker, Members of the House. This is a technical change to a Bill that was passed last Session. I would ask for an 'aye' vote."

Speaker Madigan: "Mr. Bradley, did you want to tell the Body anything about the Governor's Amendment?"

Bradley: "The Amendment offered by the Governor adds an effective date to the Bill. That's the technical change from which I was referring, Mr. Speaker."

Speaker Madigan: "All right, the Gentleman has moved to accept the Governor's Amendatory Veto. On that question, the Chair recognizes Mr. Parke."

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Parke: "Thank you, Mr. Speaker. The Body would like to know a little bit more about this legislation if you would be kind enough to give us some input as to why you want to accept the Governor's Amendatory Veto and what is the... what did he veto?"

Speaker Madigan: "Mr. Bradley."

Bradley: "This is a Bill to try to help entice the FutureGen project to the State of Illinois. We passed Resolutions in support of that in the past and this is a piece legislation to give us another tool in order to lure that project to Illinois. And all this does is change the effective date, it's a technical change to the Bill."

Parke: "Would you say that there's anything controversial in your legislation or is this just more technical in nature?"

Bradley: "This is technical. And I... it passed overwhelmingly, as I recall, originally and it's just a technical change, Representative."

Parke: "And in... the Amendatory Veto meets your needs?"

Bradley: "Yes."

Parke: "Thank you, Mr... thank you."

Speaker Madigan: "There being no further discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 3188.' This will be final action. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. The House... this... this Motion, having received

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the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding Senate Bill 3188. And this Bill, having received the required Constitutional Majority is hereby declared passed. On page 3 of the Calendar, on the Order of Conference Committee Reports, there appears Senate Bill 3186. Mr. McKeon. Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. Conference Committee Report #1 becomes the Bill. It passed in the Illinois Senate last night. This Bill has been before this chamber on numerous occasions and passed by this chamber on several occasions. It is an improvement over the previous Bill that... with input from both sides of the aisle. It cleans up the language and definitions, improves clarity. This Bill provides basic equity on the basis of sexual orientation in employment, housing, public accommodation. And I appreciate your 'aye' vote. Thank you, Mr. Speaker."

Speaker Madigan: "The Gentleman moves to adopt the Conference Committee Report. The Chair recognizes Mr. Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think it's time for you to start focusing on this legislation. As we know, we're this... next 2 days... for the last 2 days, this is one of the most controversial issues and I think it's important that the Body make sure that they know how they're voting on this controversial piece of legislation. Having said that, will the Sponsor yield? I presume you're yielding."

McKeon: "Go ahead."

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Parke: "Representative, can you... the concern that I have is that I think every citizen of the State of Illinois should be afforded the protections of the Illinois and national Constitution, regardless of any preference. Everybody should be equal."

McKeon: "I... I agree. In fact, that's exactly what this Bill attempts to do."

Parke: "But the problem with this legislation is it goes beyond that. It gives one segment of our society more say in... in housing and discrimination than the average citizen actually has. And that bothers me and it should bother everybody here. Now, my question also is that... the question of somebody who's gonna work in the classroom who may very well be a cross-dresser, somebody who is of one sex and actually dresses as another sex, that this actually is... is addressed in this legislation in terms of saying that this is allowed. Isn't it? Isn't this allowed?"

McKeon: "That is... that is not correct. In fact, Mr. Parke, I want to thank you. You raised this issue on several occasions. We worked very hard to address that issue and what we found is, Representative Parke, the solution is very simple. Merely because somebody wants to do something as you describe, does not allow them necessarily to do that. Here is the rule that the Department of Human Rights is going to promulgate to employers across the board as they do training. If you have a government-issued identification card, Mr. Parke... I'm sorry... If you have a government-issued identification card, a State of Illinois

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driver's license or a State identification card, and it says male or it says female and the employer, school, whomever it is has reasonable dress codes, that identification on that government issued card prevails. And that's a very simple solution for the employer where there's no ambiguity whatsoever and it's going to promulgated by the department, and this is the same procedure that's being used in many jurisdictions. It's very simple, unambiguous, straightforward."

Parke: "Well, thank you, Representative. But to the legislation. Ladies and Gentlemen, this is a important point. The Sponsor says it's very clear, that it's not a problem, but in fact it is a problem. They said that the... proponents say there's no cross-dressing in this Bill. Yet, the definition of 'sexual orientation' states: gender-related identity, whether or not traditionally associated with a person's designated sex at birth, clearly includes dressing in a manner not traditionally associated with a person's designated sex at birth. Equity Illinois and their transgender talking points states that they are talking about a very small number of people in the population that have a medical condition and that are un... dunder... doctor's care. While their talking points might sound persuasive, Senate Bill 3186 does not specifically or limit its application to those under a doctor's care. Equity Illinois also states that people who want to change gender must negotiate with their employer in the transition process... during the transition process. How can an



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employer negotiate with someone who has protected status? If the employer does not agree with what the employee wants, is there now a basis for a lawsuit? I contend that there is. In addition, 3186 admits that the Bill will allow transgender men to use the women's washroom. Now, most people in Illinois, transgender is basically synonymous with cross-dressing, as it is in 3171... 3186 will be interrupted. The Human Rights Act concurs requires businesses not to discriminate when providing public accommodation. Those include bathrooms and restrooms. In addition, it is my concern that under the consti... on... that we find the Bill unconstitutional on its face since it ig... ignores the Boy Scouts of America vs. Dade(sic-Dale) 2000, in which the U.S. Supreme Court said the Boys Scouts were protected under the First Amendment under the right of expressive association, giving them the right to associate with those having the same moral standards. Senate Bill 3186 makes no provisions to protect the constitutional rights, thus causing forced litigation on value-based organizations like the Boy Scouts of... of... Illinois and others. Ladies and Gentlemen, I understand what the Sponsor's trying to do. We all have been contacted by people who are concerned and it's a... you know, on the face of it it sounds likes it's reasonable because I agree with the underlying premise that we should allow all people to be dealt with fairly. But this goes beyond that. This extends it in a gray area that will be subject to interpretation. People will be sued if we pass this in

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Illinois for further... rights and... and I think that we're open Pandora's Box. I think that if somebody feels that they are being subjected to discrimination because of sexual orientation, they should do it like any other person, man or woman, in this State would do, is you go to the authorities that have the responsibility to enforcing the State Constitution and the Federal Constitution of this great country and make sure that all of the forces are brought to bear to make sure that discrimination ends. This goes way beyond that. I would ask the Body to please, vote 'no' on this legislation."

Speaker Madigan: "All right, Ladies and Gentlemen, if I could have your attention. We all know that this is a very contentious issue. There are now six people seeking recognition. So the Chair would suggest that everyone be permitted to speak but everybody restrict themselves to no more than 5 minutes. Can I say that again? Everybody'll speak, but only for 5 minutes. And the next person would be Mr. Fritchey for 5 minutes."

Fritchey: "Thank you, Speaker. I won't even need my 5 minutes. To the Bill. Ladies and Gentlemen, within this General Assembly, within this chamber, like even on this side of the aisle, we have a lot of differences. And the reason that this Body continues to exist and operate is because we respect each other's difference. Life's no different. There are differences in life. There are differences in people and we try to respect those. I've been down here for 8 years, and for 8 years I've been unable to understand

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how the Gentleman that stood for election the same time that I did, from the district right next to mine, would be able to come to Springfield and potentially be denied a hotel room in the same hotel that I tried to stay at. That a Gentleman that's been elected by a hundred and five thousand people in his district to represent them does not have the rights that rest of us have in this room. That men and women, sons and daughters, mothers and fathers, brothers and sisters throughout this state, they're not asking for special rights. They're not asking to be noticed as different. They want the same rights as everybody else. There's nothing special about this legislation, other than the fact that it brings us into the 21st century. There's nothing special about this legislation, other than it restores dignity to every man and woman. The previous speaker said that he agreed with the concept that people shouldn't be discriminated against. Well, they are discriminated against. They do need the protections of law. This law will give them the protection. This is about rights, it's about decency. Please vote 'aye'. Thank you."

Speaker Madigan: "Mr. Morrow for 5 minutes."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, today is my last day as... in my official capacity as State Representative of the 32nd District. But from the first day that I became the State Legislator back in 1987, this issue has been before me. And I won't use the name of the minister in my district

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because he's now deceased, but he was one of the most vocal opponents of this Bill. In fact, his church resided in my district. I won't mention the name of the church. And for many years I was castigated because of my support of this Bill. I also have one of the largest African American, lesbian and gay organizations in my district on East 79th Street. So, I'm proud on my last day, on my last official day as... as an elected official, to vote 'aye' on Senate Bill 3185. This issue became part of my campaign last spring. And I was asked my position on this and I told them I stand by Larry McKeon. I stand by Larry McKeon not because he's gay. I stand by Larry McKeon because he's a man. He's a man that stood up for my community. Many times the Black Caucus could count on Larry McKeon. Larry, you're a friend and I'll never forget you. You'll always be my friend. So, if all I can do in my last day to show him that I am his friend for life, I'm proud to give 'green' vote... my 'green' vote on Senate Bill 3185. Thank you and God bless you."

Speaker Madigan: "Mr. Boland for 5 minutes."

Boland: "Thank you, Mr. Speaker, to the Bill. Ladies and Gentlemen, we know that this Bill is really just the latest step in a long march that began back in 1776 with the Declaration of Independence that called for all men are created equal. We know it's been a long, hard struggle to expand that idea from originally just a very tiny portion, only 4 percent of the adult population at that time could even vote. They had to be property owners of a large

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estate. And there's been a long, long battle to increase that capacity of human beings in the United States of America to live up to that dream. This has all been part of that dream and we can have one tiny step forward. We know that this type of legislation has already been passed on the local level and in some states. We know it can be done. We know it should be done on the federal level, but unfortunately, it's not being done. But we're the 'Land of Lincoln', we can move ahead. Ladies and Gentlemen, many of you may be like me, you may have small rental property. You cannot discriminate on the basis of race, thank God. Not on the basis of religion, thank God. Not on the basis of other national origin and many other categories, disability, age, today. Why not expand that out? Right now, the only group that you can discriminate against are gays and lesbians. That's just not right. It's not something that we in the State of Illinois should ever, ever back away from. It's time for us to stand up and be counted. Stand up and be counted for human rights for all people. And let's do this for our brothers and sisters who may be a little different from us in their sexual orientation. Let's make sure that if ever there's a Legislator who comes down here again like Larry McKeon, I remember reading in the paper and he said he was afraid he might not be able to find housing. You know, if... if he was in a different circumstance, he might have to worry about employment or getting credit. Ladies and Gentlemen, let's make sure that never can happen again. Let's take this

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step forward. Let's vote 'yes' on this Bill. Thank you very much."

Speaker Madigan: "Representative Flowers for 5 minutes."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is really about nondiscrimination. Presently in Illinois, it is illegal to discriminate against someone when it comes down to employment, housing, access to public facilities based on a person's race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, or military status. This Bill... here in Illinois... here in Illinois, discrimination in housing, employment, public accommodation and credit is legal when it comes down to sexual discrimination. This Bill would merely make it equal protection in the State of Illinois for everyone, irregardless of what your sexual preference is, where you live, your race, it will be equal protection under the law. And I just want to say that the nondiscrimination Bill is about fairness and decency. It does not open the door to gay marriage or civil union. It does not provide special benefits or any rights to individual, group or community. It does not supercede a religious institution or the First Amendment right to hire and fire according to whatever your beliefs may be. It does not force an employer to provide insurance benefits to partners or gay employers. More importantly, I wanna note that 14 other states have similar legislation to prevent discrimination against their citizens and provide, once again, equal protection and

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equal rights for all. I would once again urge an 'aye' vote and, once again, this Bill is about the basic human rights. Thank you."

Speaker Madigan: "Representative Washington for 5 minutes."

Washington: "Thank you, Mr. Speaker. I rise to support this Bill because being a victim of discrimination all my life, I still am a victim of discrimination. I think it's ironic that this Bill comes on the heel of the birthday of Reverend Dr. Martin Luther King. And I remember so clearly some of his speech about injustice anywhere is injustice everywhere, and that applies for discrimination as well. But I also would like to encourage my colleagues that as we stand up for this Bill, I could not support the Patriotic Act for the racial profiling that it does and at same time support this Bill. So if we... if we going rise against discrimination, we mede... we need to make sure that is across the board. And I urge an 'aye' vote for this Bill."

Speaker Madigan: "Representative Lou Jones for 5 minutes."

Jones: "Thank you, Mr. Speaker and Members of the House. To the Bill. Myself, just like Representative Washington, has been discriminated against all my entire life. You might've noticed everybody that's gotten up to talk has been African Americans 'cause we understand what discrimination is. I know what it is to go to the bathroom and be told you can't use that bathroom, you have to go to the one in the back. I know what it is not to stay in the same hotel when I was in college and traveled south and not stay in the same hotel with white people. I know what it

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is to go to a store and not be waited on because of the color of my skin. I have faced all kind of discrimination my entire life and I'm much older than... I would say three-fourths of the people in this room. And I understand discrimination is wrong, any kind of discrimination is wrong. When you bleed, you bleed red. Believe it or not, as black as I am when I bleed, I bleed red. I don't bleed blue, you don't bleed blue, red or green. We all are just alike. And we can sit up here and we can laugh and talk with each other, we can drink with each other, we can eat with each other, we can shake each other's hands. And then when it comes down to givin' somebody a right, a human right, then you say you want to vote 'no'. How in the world can anybody in this chamber vote 'no' and deny somebody their right, their right just like you are? What if somebody said they don't want to sit beside you because you parted your hair down in the middle, or you wore a certain kind of pants or you wore a certain kind of a dress? I'm here to tell you, discrimination hurts. It hurts your children, it hurts me. And believe it or not, in 2005, I am still discriminated against. We need to stop playing God, stop playing God and let everybody have the same rights that each other have. I urge a 'yes' vote on here. I've always supported Larry. I have a lot of, lot of gay friends. And for them, I am voting 'yes' and I urge you to vote 'yes'."

Speaker Madigan: "Representative Feigenholtz for 5 minutes."



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Feigenholtz: "Thank... thank you, Mr. Speaker. You know, I've been around here... in this chamber for 10 years and have worked for the state for twice that time, and I have to say I've heard a lot of stories and arguments against this Bill from fancy wardrobes and stories about bathrooms. But I also have to say that in the 10 years I've been here that I've heard from some of my colleagues who are a little concerned about the political ramifications of an 'aye' vote on this Bill. And privately, we have sat and they have looked at me and said, 'I'm for this, I just can't vote for it.' And... and I hope that today those very same people think long and hard, because I am hoping that today is the day that this Bill actually passes and makes it to the Governor's desk. It's a historic day. Ask yourselves how you want to be recorded in history when it comes to equal protection under the law and justice for all. I respectfully request an 'aye' vote from you and I just want to read a quote from John F. Kennedy in 1963 about our country, 'This nation was founded by men and women of many nations and backgrounds. It was founded on the principle that all men are created equal and that the rights of every man are diminished when the rights of one man are threatened.' Thank you and please vote 'yes'."

Speaker Madigan: "Mr. Molaro for 5 minutes.

Molaro: "Thank you, Mr. Speaker. I... you know, I'm really glad that the rhetoric has stayed down on this Bill. And... and the reason I think that's great is remember, all House of Representatives which means that as Representative you're

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here to vote your district. And it certainly is very difficult to come up here and vote for something that you feel 30, 40, 60, 80 percent of your district isn't for it. So, what I did was I took a look at this Bill, because sometimes very difficult to read Bills. And of all the pages that are in it, the only changes seem to come when it says that you can't discriminate against people for any par... of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap. Now we're adding sexual orientation. Now, if you just listen to those, I think there are about 10 of them, now not all 10 or 12 of them came to us at the same time, probably religion was one of 'em. Color, it took us a long time to get to. Race, it took us a long time to get to. Ancestry. Sex, years ago, where ya couldn't even vote if you were a woman. It takes awhile for the public at large to understand issues, a lot of emotion involved in it. But all I can tell you is, every year our public and the people of the State of Illinois understand this issue better, and they understand it's strictly nondiscrimination. And I think as time goes on, eventually we'll get 70, 80, 90 percent of the public thinking about sexual orientation and nondiscrimination as we do about race and age and sex. It's comin'. Now, it may not feel right to all of the people in this state right now, but it will. And every year it gets better and better. And I would say that probably 7 or 8 years ago we probably couldn't even bring this Bill, probably got 20, 30 votes.

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But as people read about it, see about it, get less frightened, by it so they don't have the fear associated that they do with all these other ones when they came in. There was fear when we talked about age and sex and race. And we realize now there's nothing to be afraid of. So whether it was 3 or 4 years from... ago or maybe it's gonna take 3 or 4 years from now, I think now's the time. It feels right. The time is here and let's add... add sexual orientation as something that should not be discriminated against. Thank you."

Speaker Madigan: "Representative Cultra for 5 minutes."

Cultra: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Cultra: "Sexual orientation... I'm just wondering, in our county we have a sexual offenders list, how... how... will this Bill..."

McKeon: "I... I can't hear him."

Cultra: "...affect that? In my county we have a list of sexual offenders, how will this Bill affect them and where they're gonna find housing?"

McKeon: "Has absolutely nothing to do with this, and not a relevant issue with respect to this Bill."

Cultra: "All right, how about pedophiles?"

McKeon: "Not a rele... that's not a sexual orientation. It's a... a criminal activity that should be strongly prosecuted. It's not relevant to this Bill."

Cultra: "All right, how about people that want to have sex with animals?"

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McKeon: "Has no relationship to this Bill. It's... in most states, including Illinois, it's criminal behavior. It's not a sexual orientation, never has been suggested by competent authority as a sexual orientation."

Cultra: "Thank you."

Speaker Madigan: "Mr. Beaubien for 5 minutes."

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

Speaker Madigan: "Sponsor yields."

Beaubien: "We've been dealing with this Bill for the last 8 years that I've been down here and I will say the same thing that I've always said, that I abhor discrimination in any form. We've listened to many speakers, primarily from the other side of the aisle. And I really think that we need, as a... as a group on this side of the aisle, to recognize discrimination in the many forms that it takes and indicate that perhaps the Republican Party and some of its Members are willing to listen to that those words and we are not all of one mind. I think it's time to move on. It's time to get this Bill off our desks so we don't have to be dealing with it year in and year out. It's time for the State of Illinois to move into this century and move forward and rid itself of discrimination. Thank you very much."

Speaker Madigan: "All right, there's one more person seeking recognition and so the last speaker will be Representative Lang for 5 minutes."

Lang: "Thank you, Mr. Speaker and Ladies and Gentlemen. I rise in the strongest possible support of this Conference

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Committee Report. And before I go on with my comments, let me pay tribute to my colleague and friend, Larry McKeon, for what he has gone through to put this Bill on the posture where we can make this one of the truly historic days in the State of Illinois. When Mr. McKeon passed this in the House a few years ago, he made one of the most impassioned, emotional speeches this House has ever witnessed. And I don't think we've been the same since we heard from him about his problems in the Chicago Police Department, et cetera. And so, Larry, I pay tribute to you. I also pay tribute to those in the gallery who have been waiting for this Bill for so many years, worked so hard. I've worked with many of them since the earliest part of my career here in the early '90s when we passed this Bill for the first time in the Illinois House. I was the Chief Sponsor of the Bill. And it's taken several generations of the General Assembly to get to the point where we are today. Ladies and Gentlemen, this Bill is not about cross-dressing, it's not about animals, it's not about anything except basic human rights to the people that live in the State of Illinois. This Bill is about allowing people to rent property wherever they wish to rent it. This Bill is about allowing people to get credit if they're qualified for it. It's about people getting employment if they're qualified for the employment. There's no other reason for the Bill, there's no red herrings. There's no other constitutional issues. Just simply, are we prepared today in the Illinois House of Representatives to grant

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everyone in the Illi... State of Illinois the right to live their life with quiet enjoyment, to get the... the goods and services they need and the ability to live their lives the way we would all like to live our lives? To say to a person because they may be gay or lesbian or perceived to be gay or lesbian that they cannot get credit, they cannot get a job, they cannot get housing for that reason, says a lot about the State of Illinois. And our failure to pass this Bill before today, says a lot about our failures as Legislators and as human beings, as well. Ladies and Gentlemen, some among you who will be quiet will vote against this because of some religious reasons that you have. But I find it ironic that many of you who have fought for religious freedom, who would not think that it would be okay to persecute you or discriminate against you because of your religion will then somehow twist and turn your religion to discriminate against other people. There's something wrong with that logic. And something must be said about the kind of logic that perverts religion into something that's used as a measure of hate against other people. Now, for those of you who are prepared to vote against this, and I know there aren't too many minds out here to be changed, but maybe one person, maybe one Member of this House is still out there, up for grabs, willing to listen to reason. So let me talk to you for... briefly about religion. And let me talk to you about a few things in the Bible that maybe you're forgetting. First, the Bible says, 'Thou shalt love thy neighbor as thy self.'

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That's all of our neighbors. Not just our straight neighbors, all of our neighbors. Second, the Bible says that we are all children of God. All of us are children of God, not just the straight ones of us, all of us children of... children of God. The Bible talks about the golden rule, do unto others as you will have done unto you. Not just the others who are straight, all others. And finally, in the very first page or two of the Bible we all read, it says that man was made in the image of God. All men, all women, all people were created in the image of God, not only if you're straight, but all. And Ladies and Gentlemen, there is no backing away from this. There is no backing away from human decency. And I found it compelling that many of those who spoke in favor of this are our African-American Members, those who have been through discrimination, those that know what it's like to have people persecute them, have stood on this floor and have told you that they will not stand by and idly watch the State of Illinois continue to persecute people, not just for what they are but for sometimes just what they are perceived to be."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker."

Speaker Madigan: "Would you bring your remarks to a close?"

Lang: "And... and so once and for all, let's make this a historic day in the State of Illinois. For those of you who have not yet made up your mind, let's just simply do the right

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thing and afford everybody decent human rights in the State of Illinois. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 3186?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 65 people voting 'yes', 51 people voting 'no'. The House does adopt the First Conference Committee Report on Senate Bill 3186. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, on the Order of Concurrence, there appears House Bill 949. Mr. Franks. Mr. Franks. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This proposal, which was heard in Judiciary Committee yesterday, would draw maps for those judicial subcircuits that have previously been approved by the General Assembly, add additional subdistricts in the counties... the circuits of Kendall, Kane and DeKalb Counties, also in Winnebago and Boone circuit. The maps that are part of this proposal were drawn with respect to traditional redistricting principles, including an effort to make sure the districts are compact, substantially equal in population, do not dilute communities of interest, including racial communities. The reason that we are doing this is because there were groundswells of public support in these areas to bring judicial elections closer to the people to enable



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people in those areas to have a better understanding of the candidates among whom they would select, a better opportunity to know who it is who is representing them on the bench. The principle of the subcircuits is already well established in downstate counties since there are resident judgeships who, regardless of population, are elected within the circuit rather than across the circuit at large. I would be happy to answer your questions about the mapping and about any other questions you may have. For the record, I would note that neither the administrative office of the Illinois courts nor the Illinois Bar Association is... has taken a position in opposition to the merits of this Bill."

Speaker Madigan: "All right. Ladies and Gentlemen, again, the Chair would suggest, as we did on the last Bill, that everybody speak but that we restrict ourselves to 5 minutes. And so, the first would be Representative Kosel for 5 minutes. Kosel."

Kosel: "Thank you, Mr. Speaker. Will the Sponsor yield, please? I'd like to..."

Speaker Madigan: "Sponsor yields."

Kosel: "Thank you. I'd like to talk to you a little bit about the Will County 12th Judicial Circuit. Can you explain to me why you did not attempt to create a stronger African-American district? For example, looking at your map, if you had combined East Joliet neighborhoods with Fairmont and South Lockport, the Village of Preston Heights, this

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would have made a much stronger minority district. Can you tell me why the decision wasn't made in that manner?"

Currie: "First of all, I believe the population doesn't support your contention. As well, I would remind the Body that redistricting requirements include attention to compactness, to issues of population equity and that race itself may not be the sole reason for crafting districts in a particular way. We certainly took racial issues into account in drafting this map. We certainly wanted to ensure that minority voices would have an opportunity to affect outcomes of elections. But that was not the sole reason for drawing the districts as they are drawn. Other communities of interest, including political subdivisions, are important as well and I believe the numbers just do not sustain, given the requirement of compactness, population equity and so forth, the contention that this map could have been drawn differently with the result that you suggest in mind."

Kosel: "But actually, the map, if it would include these communities and the community around Joliet, would be more compact than the map that has been proposed and would actually prevent (sic-present) very strong representation from this area, with the numbers supporting it. Who reviewed the 12th District Judicial... the 12th Judicial District?"

Currie: "I'm sorry, I didn't hear..."

Kosel: "Who... who reviewed this particular judicial district?"

Currie: "Who reviewed the members..."

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Kosel: "Yes. Who took a look at it? I mean, who did..."

Currie: "The Members of the committee did. In fact, we offered these maps a week ago yesterday in Judiciary Committee, a joint meeting of the House and Senate Committees. The meeting was well-attended by interested people from various communities across these judicial circuits. There had earlier been many hearings in each of the circuits that are affected by this proposal across the last 2 years during the entire biennium of this General Assembly."

Kosel: "Representative, can you tell me some of the local groups that support this within the 12th Judicial District?"

Currie: "I don't have a list with me, but I'm sure staff can let... can share with you whatever materials we have..."

Kosel: "I would be very interested to see..."

Currie: "...from people at the local level."

Kosel: "...see what actual local groups are supporting this because it..."

Currie: "There were... there were some witnesses from that area at the hearing a week ago Monday and I'm sure that list is available is public. There may have been additional written material submitted as well."

Kosel: "To the Bill and, more specifically, to the map. I would contend that... that the map that I'm looking at definitely cuts some very unusual profiles across Will County and that the GOP map, which... which has been presented as an alternate, is much more concise and... and addresses the idea of population and political boundaries

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and so forth and would... would request that... that alterations be made. Thank you."

Speaker Madigan: "Representative Hultgren for 5 minutes."

Hultgren: "Thank you, Mr. Speaker. Will the Sponsor yield to a quick question?"

Speaker Madigan: "Sponsor yields."

Hultgren: "Leader Currie, how many hearings were held in Kane County, Kendall County, DeKalb County, Boone County and Winnebago County where the citizens of those counties could actually see and discuss this exact legislation in these proposed maps?"

Currie: "I believe there was a hearing in each of those districts..."

Hultgren: "With these... with these maps? How many with these maps we're representing?"

Currie: "...shortly before the maps were actually drafted and there were two..."

Hultgren: "So, the only hearings were without any maps."

Currie: "...there were two hearings here in Springfield..."

Hultgren: "No, answer my question. Would..."

Currie: "...when those maps were unveiled."

Hultgren: "How about in the district? Were there any hearings when these maps were available?"

Currie: "I'm sorry, I didn't hear that question."

Hultgren: "Were there any hearings where these maps were available in the districts?"

Currie: "No. The reason, of course, is that we were hopeful..."

Hultgren: "To the Bill."

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Currie: "...that at the hearing..."

Hultgren: "Thank you."

Currie: "...we would be given advice about..."

Hultgren: "To the Bill, Mr. Speaker."

Currie: "...what important considerations should go into..."

Speaker Madigan: "Representative..."

Currie: "...the mapping."

Speaker Madigan: "All right."

Hultgren: "To the Bill."

Speaker Madigan: "Mr. Hultgren, to the Bill."

Hultgren: "Since I'm limited in time, I wanna jump right in there."

Speaker Madigan: "Please, please."

Hultgren: "Ladies and Gentlemen, if I could have your attention, please. This is a very important piece of legislation. If I can have the attention of the Body, please. Ladies and Gentlemen, this is something that's very, very important and I wanna ask for your attention just for the next couple minutes. I don't get up on this House Floor very often. There's some things that I feel strongly about. This is one of those that I feel very strongly about and I'd ask for the courtesy of your attention just for the next few minutes. There's some things that I want you to know about. This is a piece of legislation that's been forced through in the last four weeks with absolutely no hearings in the district that have addressed these specific maps that are being foisted on us and on our citizens. Mr. Speaker, can I have the attention

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of the Body, please? Can I have your attention, please, Ladies and Gentlemen? One of the things that's been said over and over again in the hearing that we had yesterday, the first time we ever saw this legislation, it's over a hundred and forty pages long, was yesterday. That was the first time this was brought out to us, very detailed. We had hearings that did not have any legislation or any maps. The first time we even heard about this possibility was over Thanksgiving break, less than four weeks ago... or just about four weeks ago. This is something that's being put on very, very quickly with very little opportunity for input from local individuals. One of my biggest concerns, and I wanna talk mainly to those of you who represent minority communities. This legislation, these maps are drawn in a way to divide up minority communities to make it less likely that a minority judicial candidate would be able to win. And I think the minority communities, we need to ask for your vote. As spokesperson on the Judiciary Civil Law Committee, I will commit to you, if we decide the subcircuits are the right thing to do in Kane and Kendall, DeKalb County, Boone and Winnebago County, I will work with you over the next 2 years to draw a map where a minority would have a chance to win in those districts. Right now, these maps are drawn to dilute minority possibility of winning those judicial districts. We have maps right here, I'll show you, that we have drawn that would give a better chance for a minority candidate to win. And I promise to you that I will work with you if you'll vote 'no' on this

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legislation so that we can give this a fair hearing that it needs. A couple more things that I wanna ask you to consider very quickly. Some of you represent, in downstate Illinois, you have circuit judges that represent counties. One of the discussions in committee in the hearings on these was doing away with circuit judges down in counties downstate, that that might be the next step after this. Just in this legislation, we are losing three circuit judges... or potentially losing three circuit court judges in Kendall, in DeKalb and Boone County. These are counties that have circuit judges now that if this legislation is passed very well might not have circuit judges, and your counties very well might be next. What this is doing is making Kane County and Boone County like Chicago. I want you to know, Kane County and Boone County are very different from Chicago and should be considered very differently from that. I'm proud of one of our judges especially out in Kane County. Keith Brown is an African American, has been elected several times as circuit judge. He testified on this and said, 'Please, vote 'no' on this. This is the wrong thing to do. This hurts the minority community.' He is the only African American we have. He wants to work with us to increase opportunities for minorities out in Kane and DeKalb and Kendall County. We need to give him the chance to do that. This is something that would hurt that and would make it less possible for minorities to be able to serve. So, we need to... I need to ask for your help. Probably the thing that is most onerous

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in all this was the question that I asked, again, that no hearings were held on a very fundamental right that each one of us enjoy, and that's the right to liberty, the ability to be able to go into court if we have a concern or a problem and know that we have a qualified judiciary to be able hear our concern. We had no hearings in the district, in my district, in any district that was affected here, especially Kane, Kendall, DeKalb, Boone and Winnebago. There were no hearings that addressed... that allowed local citizens to be able to address concerns or ideas that they might have. This is being foisted on us in a lame-duck Session and that's a real concern of mine, as well. I heard, driving down yesterday on the radio, that I was coming down to lame-duck Session where some of you... some of us maybe are less accountable to our voters because we're in a lame-duck Session. I wanna challenge you. We have made... taken an oath of office sometime in the last 2 years that we have promised that we are going to represent our citizens and the citizens of Illinois for the entirety of our term. There's no such thing as a lame-duck Session where you're unaccountable. If you feel unaccountable on this piece of legislation, I wanna ask a favor. I wanna ask you to vote 'present' on this if you don't feel like you have accountability on this issue from your citizens or the citizens of Illinois, because we are taking away a right to a fair and qualified judiciary. One of the other issues that was brought up is..."

Speaker Madigan: "Mr. Hultgren."



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Hultgren: "I just have... if I could have maybe have one more minute?"

Speaker Madigan: "Thank... thank you."

Hultgren: "Again, this happened so quickly we haven't had very much time and this is indicative pretty much of the whole... how the whole process has gone of being pushed very quickly through. But one concern of mine, it was brought up in one of these districts that there might be less than two dozen actual attorneys that live in one of these districts. If you start workin' out the numbers, when you take people who are close to retirement, people who are making much too much money to wanna serve on the judiciary, people just out of... fresh out of law school, it might be in some of these districts that we might only have three qualified candidates. I would argue to you, if that's the case, it might be better for us just to draw straws among those three rather than to actually have an election. We don't know because we have not had an opportunity. I asked this question in committee yesterday of the Sponsor. How many attorneys, qualified people, individuals actually live in these districts? The Sponsor didn't know. No one knows because this has been forced through. I wanna ask to you... this might not affect your district, but it definitely affects mine. If it doesn't affect your district, I wanna ask a favor. I wanna ask you to vote for the citizens in my district today. Vote 'no'. There is no reason this should be pushed through on the last day of Session, the last hour of this Session. We need to have fair hearings

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back in the district. We need to have an opportunity for every person who has concerns on this to be able to speak and we need to do our best to draw districts subcircuits where minorities can win. Right now, we're dividing that up and we really need to talk about it if we're gonna do away with circuits down in downstate. I think it's the wrong thing to do. I would ask for your 'no' vote or your 'present' vote. This is the wrong thing, the wrong time and it's being pushed through. And I ask for your help. Thank you very much."

Speaker Madigan: "Representative Chapa LaVia for 5 minutes."

Chapa LaVia: "Thank you, Speaker and Members of the House. I rise in strong support of this Bill. This Bill will give a voice to communities like Elgin and Aurora where the population has changed over the years and over what used to look... or be Kane County. Right now, the 16th Judicial Court covers Kane County, Kendall, DeKalb County. Sixteen circuit judges are elected to serve a 6-year term. They are... the appointments of the remaining 14 subcircuits are closed meeting. Yes, they have to be in the paper, but these... these 16 judges oversee who to select in the process of being the associate judges. The demographic makeup of Kane County has changed so drastically over the last 10 years that the population looks like this. There's over... in the 2002 census, Kane County having 443 thousand people and some and Aurora Township and Aurora together having 40 percent of that population. Right now, Aurora and Aurora Township make up 215,843 citizens in that population,

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almost 40 percent of the population of Kane County. The ethnic makeup of the community has changed, as well. The majority of Aurora is made up of a large, large base of Latino constituents, a large base of African-American constituents. And 50 percent of Aurora's population falls into half of the whole title of the new subcircuit that would be created by this. Presently, right now, there is only one African-American judge in that whole circuit and four women. That is it. The makeup of my district... I have 47 percent Hispanic, 11 percent African American and the rest falls under 'other', where I'm very proud of where my husband lies, being Italian. But this does not constitute an equity within our judicial system and we need to forge on. Just as we are elected in the Legislature and the Executive Branch, we should show the same courtesy to those constituents to elect judges that reflect their makeup. The selection of judges would be fair and an open process. The... their represent... their representation right now is disgraceful. I cannot look at my district and say it's a makeup that reflects that population, regardless of some as a Democrat, Republican or Independent. This does not look like the makeup of my area and I am in a hundred percent full support of this. We did have a hearing, through the good graces of the Speaker, at... in Aurora in Kane County and there was a lot of people that were opposed to this. Those are the judges that have been running the system for a long, long time. I think it's time that we get up with... up-to-date with a lot of laws, but this one representing

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the reflection of my district and the new subcircuit that would be drawn for that. And I respectfully hope and wish that the people of this General Assembly vote 'yes' on this. Thank you."

Speaker Madigan: "Mr. Delgado for 5 minutes."

Delgado: "Than... thank you, Mr. Speaker. I rise in support of House Bill 949. As many speakers have indicated, this is a piece of legislation that allows some parity. It allows the opportunities that Illinois is not considered a state by... by geog... justice by geography, if you will. If, indeed, subcircuits in the original lawsuit in creating subcircuits, my State Senator De Valle, who was the Sponsor of this Bill in the Senate, made sure that people of color, people of many different communities would have an opportunity to be able to represent within their communities and have the ability to win an election as a judge, to be able to have a smaller district and be able to work within a large population, if you will, in a whole society. And so, when minorities who were disenfranchised even in the campaign level, judges have to run campaigns, they can get a dollar as well as... in a minority state, they'll get 50 cents on every dollar than a nonminority or nonfemale candidate may get. But again, this points to parity. The 1961 Criminal Code was written by many people that none of 'em reflected the communities that are now the demographics of Illinois today, and because of that it reflects in that prison system. We have two... we have African Americans and Latinos and poor Appalachian whites

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locked up in our prison system. That's economically depressed and that's a result of the 1960 Criminal Code, and we didn't have many people of color in those days on that particular committee. So, today we continue to make Illinois a greater state because by demographics in the 2000 census, out of a hundred and two counties that we have in this great state, 98 counties saw change in their demographics from Effingham to Chicago, and that meant growth of the Latino community. So, I stand in support because that's gonna give an opportunity, regardless of what party you're in, but you may come from a subgroup and this opportunity is there and present. And I would ask for an 'aye' vote. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Miller for 5 minutes."

Miller: "Thank you, Mr. Speaker. To the Bill. I just wanted to comment first on some statements that were made by a previous speaker who... who... who questioned the fact that a minority couldn't win with the current map. And I would just like to at least reflect back on our last remap of the legislative districts. Myself and many other African-American districts went from probably 80 percent African American to 60 percent African American to help spread out African-American Legislators. With that said, we've actually gained representation here in this House. And so to say that these districts need to be more compact really dilutes the African-American minority representation that this legislation is trying to address. When we look at this Bill... now, when... when... in 1990 the Representative... I

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know Representative... former Representative Younge had worked on it, Representative Morrow, Turner and others who are other Members that are still here, partnershiped with Members on the other side of the aisle to increase judgeships. Fifteen years later, 15 years later, there has been an increase in judges on... on the judicial subcircuit with only one person in this... since this time that represents... a nonminority representing an African-American district. So, long story short, people, it works. The increase in minority participation, it works. As the previous speakers just said, was people want to... as we are representative of our community, people want to know that their judicial system represents their community and have a better understanding of that community. People feel better about the judicial process which encourages participation... which encourages participation for the people to select those long list of judges at the end of all of our ballots. And so, I think this is a good model. Expanding the Cook County model to other surrounding counties is good government, plain and simple. If we open up those opportunities to minorities in other communities, I believe we'll have a better judicial system. And lastly, the Cook County Bar Association, which is an African-American Bar Association, and their president, commi... Tax Review Commissioner Larry Rogers, Jr., endorses this legislation. I would ask all Members of the Body to support this legislation. Thank you."

Speaker Madigan: "Representative May for five minutes."

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May: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 949, mostly because it brings the judges closer to the people. In Lake County where I live, the judge... these circuits were 900 thousand. Now it's going to be a hundred thousand. More the size of our Representative districts by creating the six subcircuits in Lake County. My district in my area is way in the southeast corner of Lake County. And there are many, many attorneys in my area who would love the opportunity to have a district where they know people and they know the judges and where people know them. Every reelection people will say we know nothing about the judges. This gives the citizens of the State of Illinois a chance to know who the judges are. But I do say opportunity, because when they run for reelection they will be running countywide. Further, in a broader scope, when I had a town hall meeting, women from elsewhere in Lake County sought out our town hall meeting in the southeast corner to decry the 'old boys network' of the judges in Lake County that they feel that they could not be heard and they wouldn't listen to them. This further opens up the system. It will create opportunities, as we've heard for minorities, for geographic opportunity for our judges so our people will know them and... and it would be a very, very... a greater system. I urge an 'aye' vote so that we have geographic opportunity by creating these subcircuits. Thank you."

Speaker Madigan: "Representative Aguilar for 5 minutes."

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Aguilar: "Thank you, Mr... thank you, Mr... Representative, has... has the American Legal Defense and Education Fund had a chance to review this map... this map as well as the Hispanic Bar Association?"

Currie: "We did announce the hearing schedule and the hearings, of course, were open to all."

Aguilar: "So, they haven't reviewed this. Neither... neither MALDEF nor the Hispanic Bar Association."

Currie: "It's hard to know who pays attention to what is going on in the General Assembly. But as you know, we have a website that gives anybody with access to a computer at home or in the library access to information about what we are doing. And as you know, several of these subcircuit proposals were law before we began the mapping process. So, I should imagine that those with an interest likely would've come to the hearings."

Aguilar: "Any... any Hispanic legal organizations are proponents of this mapping?"

Currie: "I can't speak about organization. I can speak about people who are members of minority groups who have testified at hearings in the districts as well as hearings in Springfield. And yes, there were members of minority groups, African Americans as well as Hispanic Americans."

Aguilar: "And would they... did they endorse this map?"

Currie: "With... certainly the vast majority did."

Aguilar: "All right, but MALDEF and the Hispanic Bar Association did not review this map?"



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Currie: "I can't answer that question. I don't know the answer."

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

Speaker Madigan: "Mr. Schmitz for 5 minutes."

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

Speaker Madigan: "Sponsor yields."

Schmitz: "Madam Majority Leader, I again have to, as we talked in committee, I gotta take issue with this. We have numerous Legislators that represent that area and I'm talking about the Kane County area, which my entire House district is in. I've talked to every Legislator in Kane except Representative Chapa LaVia, I haven't had a chance to grab her on the floor right now, to see if we've received any calls, any letters or e-mails on this topic at all since we've been sworn into office since the first day. Not one said they've received any type of groundswell of support for this issue. And what offends me the most is when we have a problem or an issue in our district, we come down here to Springfield, we draft a piece of legislation, we talk to our colleagues and we try to get the Bill passed to solve a problem for our district. This is not a problem in our districts. We haven't received any correspondence from anybody in our districts saying this is a problem that needs to be fixed. To those of you in the House, Ladies and Gentlemen, this is an insult to us that represent our districts every single day. When you can have a proposal from somebody that doesn't even live in your community walk into your town and say, you know what, I've identified a

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problem in your district and I'm gonna solve it for you. Respect the Representatives that live in these districts that run for reelection in these districts, that talk to our constituents. It was brought up during the hearing that maybe, just maybe somebody didn't know one of the six names of the Legislators that represent Kane County. That maybe they didn't know my name so they couldn't write a letter. So the four letters in support of this proposal that I received, written December 15, 16 and 17 of this year, they didn't know the six Legislators that represent Kane County but they knew Representative Fritchey's name in Chicago. You're on the phone, sorry. They didn't know. So, they decided to write a letter to Representative Fritchey in Chicago saying that this is a problem out in our district? Shame on you guys for doing this. The last 48 hours and the last week alone you guys drop a map on our lap. Yesterday, you drop a piece of legislation on our lap and say, this is good for your district, let's pass it. Ladies and Gentlemen of the House, this is an insult to us. Shame on us for looking at this type of situation and trying to solve it without any input. Representative Aguilar asked some questions on who... who supported this, who didn't. I don't know. What's the maps look like? As of last Tuesday, we hadn't seen a map. This is getting rammed through in the Legislature in the last 48 hours, I'm offended by it. I'm appalled by it. Next time we have a problem like this, please, consult one of us that represent the districts. We'll be happy to work with you and solve a

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problem. I strongly, strongly urge you to vote 'no' on this proposal. This has nothing to do about good government. This has everything to do with about politics, slating candidates for judgeships in our districts. And Ladies and Gentlemen of the House, please reject that proposal."

Speaker Madigan: "Mr. Winters for 5 minutes."

Winters: "Thank you, Mr. Speaker. To the Bill. I'd like to talk about the 17th Judicial Circuit which is in Rockford, both Boone and Winnebago Counties. We held a hearing there and it happened to conflict with the judges' annual meeting. Long established and with 24-hours advanced notice the hearing was called. That same procedure happened in McHenry County and Lake County trying to make sure to disenfranchise those people in the community that actually knew how the judicial system worked. Now, I'll have a number of quotes from that meeting. One of them is from the Democratic, the Democratic Representative from Rockford who states about our judges, 'In Winnebago County we've got a fine slate of judges. They are fantastic judges. Why are we trying to change a system that is working, that is putting good people on the bench?' If in fact the plan was... and... and he thought that night the plan was to add an additional judge so that we could spread the workload a little further and get better legal representation. That's not happening. We're not getting an additional judge. Instead, that night it turned out, well, we have to have more minorities on the bench. Well,

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Ladies and Gentlemen, out of the 7 hundred attorneys who are accredited to the 17th Judicial Circuit, less than 15 are minorities. The reason we don't have minority judges is because they haven't worked through the pipeline. One of the testifiers was Sharon Scott, a black woman who is an attorney in Rockford. I'm not saying it's the fault of anybody in the system. There just isn't a pool of minority attorneys to draw from. They are, however, becoming further involved, they're passing the bar exam, they're getting the experience as State's Attorneys, as attorneys in the court system. They will be selected when they've become properly qualified to be judges. What you've done instead is to divide the minority community, and I want to speak to the minority caucus. There are approximately 40 thousand Blacks and Hispanics in the Rockford district. So does this map draw those 40 thousand into one district? Because with 80 thousand in each district they would actually have a majority. And they could elect one of their own representatives as a judge. No. In fact, what you're doing instead of trying to pack them into a district and allow them to elect their own representative as a judge, you've divided them. You've fractured the minority community into at least two different districts. That's... if the intent was minority judges, you failed in that attempt. Instead, what the Bill is doing is to politicize further the judicial system. What you've done is divided the communities of interest. We've talked about... I heard the... the Sponsor of the Bill in committee yesterday talking

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about trying to keep communities of interest together. Well, you didn't do it for the minorities. And you also didn't do it for our communities. Again, speaking for my own district, I have two communities, Machesney Park and Loves Park, each about 20 thousand people. Those two cities together combined into the Harlem School District. So what did you do? You divide the Harlem School District into three judicial subdistricts. You divide Machesney Park, 20 thousand people, could've been a quarter of one of those districts. No, it's split into two maps.. or into two districts. Loves Park, also about 20 thousand people, again, between them they could've made up a majority of one of the districts. No, you split Loves Park into three sub-districts. This is not trying to give communities of interest a chance to elect their own people as judges. No, what you're trying to do is elect Democrats. Well, it so happens that out of nine elected judges in our circuit, two of them already are Democrats. One was appointed by Republican judges to be an associate judge and then won election with 60 percent of the vote. Let me quote from Judge Rosemary Collins, a woman and a Democrat, now on our circuit court, 'Anytime you do anything that would undermine the public's perception of the fairness of judges, it's troubling. Putting the courts into politics will erode public confidence in the bench. I'm one of two Democrats on the Winnebago, Boone County bench. I ran and I won with I think 60 percent of the vote. This area has shown that it will support Democrats.' But no, what you're

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going to do is to try to make sure that first consideration is always what your party is, not how good of an attorney you are, not what your experience is, not how good a judge you'll be, but instead do you have an 'R' or a 'D' behind your name. To me it's patently absurd on the last day of Session that that's what we're doing. Now, people will talk about Cook County, that we did this 10 or 12 years ago, that it's worked in Cook County. Well, Cook County has 5 million people. We have less than a third of million in our 17th Circuit. Totally different. And by the way, that legislation was done on bipartisan basis, virtually unanimous support in both the House and the Senate. Both political parties thought that they were doing the right thing for the judicial system. We are not doing the right thing. We, in fact, are making the judicial system more political. It is bad..."

Speaker Madigan: "Mr. Winters, could you bring your remarks to a close? Thank you."

Winters: "One last comment, Mr. Speaker. One of the icons of the Democratic Party was Franklin Delano Roosevelt. The one legacy that he has is one that I am afraid that our Speaker, who I do, I do think is an excellent politician. You run the chamber very well. But I am afraid that one of the legacies that you will have is to inject more politics into the judicial system. FDR tried to pack the Supreme Court when he did not get the rulings that he wanted. Instead, it blew up in his face and he had a black mark that will stay with his legacy forever because he tried to

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overrule the judiciary instead of dealing with them. Now, there was a switch by one of those justices, the famous 'switch in time that saved nine'. I think, Mr. Speaker, that if you pulled the Bill from the record and came back 1 year from today, you would then find that the justices in our local circuits will have in fact been made aware of the demands of the minority community. And you will probably find minorities appointed to the associate court benches within the next 12 to 24 months. The pipeline is starting to fill up. There are qualified candidates. Give the system time to work as it should instead of requiring that all of those judicial candidates go to their precinct committeemen and ask them to slate'em for a role. To me that is so crassly political and when fact we find in Cook County where these judges running in subdistricts are less qualified than those running circuit wide. We've had one elected who wasn't even an attorney because he knew the right people in the political party. That's the wrong thing to do for Illinois. It's the wrong thing to do for the Democratic Party. And I would ask that the Bill be held, work out, give the system time to perfect itself. It is moving in the right direction. Let it work its way out. Don't leave a black mark on the name of the Speaker and on the name of the Democratic Party. Thank you."

Speaker Madigan: "Mr. Jefferson for 5 minutes."

Jefferson: "Thank you, Mr. Speaker, Members of the House. I rise in support of House Bill 949. I am privileged to be one of the persons that hosted a hearing in Rockford,

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Rockford to which is probably home for about 300 plus thousand people, Winnebago County. Rockford has, over the years, celebrated a hundred and fifty year history. We've had a hundred and fifty-year birthday. At a hundred and fifty years we have never realized an African-American judge during that time. This is not all about an African-American judge or Hispanic judge but it is about fairness and equality and inclusion. I appreciate all the sympathy and all the support I'm getting from the Republican side as it relates to African Americans and minorities. I can't thank you enough for that. Let me tell you this, that I, as a Representative from Winnebago County, asked for this subcommittee hearing. We took in great testimony. We had pros and cons on both sides but we had a lot of people that stand in support of this. Is this gonna open up a district where a minority can walk in and get elected? No, but it's gonna open up the process. It's gonna make it more fair, more equal to everyone that's out there. Why don't we have a bigger pool to pool... to pull from? Probably because the people realize that they are not gonna be able to advance themselves by staying in a place like Rockford or Winnebago County because the system is flawed. This will help us to fix the system to make sure that those individuals that are willing to come back home and willing to do the things that they need to do to take... get to the next level. The communities are interested in having a minority on the bench. I'm saying to you that I'm speaking with the voice of the community. We had a number of people that spoke at



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the hearing. We had NAACP people, we had Ministers Fellowship people, we had ministers who were in charge of the Ministers Fellowship, a black organization in Rockford. All the people are saying that they want this process to go forward and become part of the process in Rockford. So it's not something that I want, it's something that they want in Winnebago County. So I would say to all of my colleagues here on the House Floor that I would urge your encouragement. More specifically, I would say to my Black Caucus Members that I would hope that you would all become Sponsors... cosponsors of this Bill and to help us make sure that this Bill is passed. Because it's all about fairness, it's all about inclusion, it's all about equalness. We talk about that all the time but we don't preach it. This is the 21st century. Rockford has been on the map for over a hundred and fifty years. If we aren't gonna be included now, when? We're no longer in the 18th, 1900s, we're in the 21st century. It's time that we make a change. It's time that we come into the 21st century, not one of us but all of us. We talk a good game. We talk about inclusion but the... I think the different sides of the aisle reflect who's included and who isn't. So, let's not play the rhetoric game. Let's not talk the talk. Let's walk the walk. And let's vote this legislation in. Thank you."

Speaker Madigan: "Mr. Black for 5 minutes."

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

Speaker Madigan: "The Sponsor yields."

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Black: "Representative, what's... what's the genesis of this subcircuit Bill? Where... where did this come from?"

Currie: "Two places. First of all, the Legislature has previously approved subcircuits in three of the judicial circuits that are at stake in this Bill. Second, resident judgeships already contemplate the idea of subcircuits and that outside of the County of the Cook is the way we do the election of some of our sitting judges today. Third, in these particular areas there were groundswells of support for the ideal of bringing democracy closer to the people. You've heard several Members of this chamber speak to the interests on the part of their constituents, their citizens to have an undiluted voice when it comes to selecting those who serve on the bench."

Black: "I've heard of a..."

Currie: "Those are the three motives. We already had the principle established. We already understand that resident judgeships perform the same function and third, an interest in the part of the community to stop the dilution of their votes and to make their votes count in some meaningful way."

Black: "Well, I'm not sure I agree with any of that, quite frankly. I... I think you and I both know where this idea came from. And I'm not sure it emanated from the people, up. I think it emanated from some power brokers, down. But reasonable people can disagree. Have you received any formal requests from any African-American Bar groups for these subcircuits?"

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Currie: "I understand the Judiciary Committee has been looking at this issue for 2 years. As I mentioned previously, three of these subcircuit proposals are already law, that is to say they've already been debated, voted upon and signed by the Governor. I'm not a Member of the Judiciary Committee but I am sure the committee clerks and the staff had information on proponents and opponents of the original subcircuited Bill as well as of this proposal which would put maps into place."

Black: "So, I... I take that as a 'no'. As far as we can tell, you've had no requests from any African-American Bar group for subcircuits. Have you received any formal requests from any Latino Bar group for subcircuits? Have you received any requests from the Mexican American Legal Defense and Education Fund? Just 'yes' or 'no'?"

Currie: "I don't have that information..."

Black: "Okay."

Currie: "...but I am sure our staff will provide it to you."

Black: "I... I hope they will. Do you know whether or not staff has received any requests from any State or local Bar Association for subcircuits?"

Currie: "Again, we can make that information available to you."

Black: "Okay. I... I... again I... I hope you will. Mr. Speaker, to the Bill. Ladies and Gentlemen of the House, I was here when we created the Cook County Judicial Circuit and subcircuit Bill. It took a year of hearings, public meetings, committee hearings, bipartisan support. And when that Bill left this chamber, it passed with almost a

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hundred votes. It was a bipartisan effort. Now, I've heard a lot of hyperbole today but what this is all about... look, let's just be honest. I respect people that are honest. This is naked, power, politics. That's all it is. The last day of Session, very few public hearings in this Body. This is the Democrat Party telling the minority party, we can do this because we have more Members and we're going to do it whether you like it or not. Whether the people in these districts like it or not, we are going to do this because we can. Okay, let me just read you one sentence from a Chicago Tribune editorial. I'm using it with permission, January 2, 2005, 'Success in this case means the chance for Democrats to shore up their power base. A draft of the Democrat plan for Lake and Will Counties revealed last spring, according to the Chicago Daily Law Bulletin, showed subcircuits drawn to increase the likelihood that Democrat judges would be elected but not necessarily minority judges.' How many years are some groups on that side of the aisle gonna follow the Democrat Party blindly down a blind road into a box canyon? When are you gonna stand up and say, don't take my vote for granted? You'll earn my vote when you show me what opportunity is all about. If you think this is opportunity, you haven't read it. They didn't create one supermajority Latino or African-American district on the map. Have you seen the map? If you've seen the map, you're one step ahead of anybody on this side of the aisle because we... I don't have a copy. I don't know why you

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persist in these kinds of political power plays on the last day of the 93rd General Assembly. This isn't the way we did it to Cook. We didn't stick it to Cook. It was a bipartisan effort that passed both chambers with large majority votes. I guess you're gonna do it because you have the votes. And you're gonna stick it to us again. Fifteen minutes you were talking a... 15 minutes ago you were talking about protecting the rights of the minority. Well, those of us on this side of the aisle are in a minority. And I, for one get just a little bit tired of my rights as a Member of this Body constantly being ignored and trampled on and just told to sit down, be quiet, fasten your seat belt because we're gonna take you for a ride. If that's the way you wanna do business, fine. Mr. Speaker, should this get the requisite number of votes, I would request a verification. And I would ask anybody that respects this process to say 'no' to these last-minute power grabs that are generally poorly thought-out, not well drafted and most of you haven't even been involved in the process. You haven't seen the map. You're not sure what's going in this case any more than I am. Vote 'no'. And I renew my request for a verification."

Speaker Madigan: "Mr. Washington for 5 minutes."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, to the Bill. I... I understand what the argument is on both sides. It's a lot of emotion. And I... and I, as a newcomer, I'm thinking that people had the opportunity, possibly, in the past to give away to a foundation that would create more access and

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equal balance to this particular legislation. But whatever reason, it... it just didn't happen. And of course, I'm interested in minorities accelerating as equal opportunity beneficiaries of a system that is supposed to be fair. This particular legislation that has been put together by one of the Senators, my Senator, Senator Link, they have worked on this diligently for 2 years and as a result, I think that in the 19th Judiciary Circuit this would be a... this is not the most perfect formula, but it does give us an inch until we can get to that mile. And so, I urge my colleagues that they give this opportunity a chance to flourish. And as we speak about minorities, I just want to say to my colleagues who I respect, I embrace them as individuals, but we have to very careful that we have some living example to show that we are the party that helped nurture so-called minorities be in the front of us doing the things that everybody else do. And being that that's not the case, it... it's hard to really embrace the sincerity that some people speak with a passion, they speak concerning this legislation. So, we have a long way to go in doing that and I think I'm willing to volunteer to any colleague on any side of the aisle that if they're short of minorities that are qualified to do the things that others have been doing for the longest, I can make some good recommendation being that I used to be human resources director for the Urban League. And so I learned a few things that I can help with the process. But I think that this Bill, it implements the substantive language we

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previously drafted to subcircuit Lake County. As I stated, Senator Link, others put forth approximately 2 years. The Senator and others have taken into account communities of interest while drawing a compact district. And so, I rise in support of the subcircuit map for the 19th Judicial (sic-Judiciary) District and I ask my colleagues to be fair and to give this a chance to where other things have to be preexisting that seem to keep out an opportunity that exists today. Thank you."

Speaker Madigan: "Mr. Turner for 5 minutes."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I'm indeed honored today to be here to hear so many people talking about the rights of minority and their concern. I was around when the judicial subcircuit, like many of you, when it was voted in Cook County. And the history of that legislation was not that any one party was in favor of making it happen, but when the discussion came they realized that a coalition with a minority community, meaning African Americans on this side of the aisle, could make a difference. And it was that coalition that... that with the Members on the other side the aisle, who are now calling themselves a minority, that we all sat down and said, well listen, there's got to be a better way. As a result, the legislation passed and there, as you know today, are many more African Americans serving on the bench in Cook County. What I've realized, though, is having sat down here since that legislation has passed, as our numbers have increased on the bench in Cook County so has the

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punitive mentality of this Body in terms of legislation that we pass. So, now that the judges... now that there are more minorities serving on the bench, I see more and more mandatory minimum legislation being passed out of here so that regardless to who serves on the bench he doesn't have any discretion to make the laws happen because we say if a person is caught with a dime bag that he has to serve 2 years mandatory. There is not probation. We were saying that he has to have Class X. So, all the judicial discretion is being taken away as a result of the action of this Body today who were so concerned and committed about African Americans and Hispanics serving on the bench. If you are that concerned and committed... in some of these communities on the maps that we're looking at today there will not be an African American or Hispanic drawn or elected from those districts regardless to how you draw those lines. But if you are truly concerned about African Americans, people that look like me, if you're concerned about my Hispanic brothers then you'd be a little more careful about you vote on some of this criminal justice stuff that we send out of here. That's if there's a true concern about minorities. It's unfortunate that we make up 85 percent of the prisoners in jail and you have some concern here about whether we serve on the other end of the judicial scope in terms of who... who's going to determine who serves in those bodies. It's just... you know, I'm appalled by it and yet I'm not surprised. Is this a political decision? You damn right it is. This has



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nothing to do with minorities. This is a political decision. This is a political Body and that's what's happening. Do I necessarily agree with it? I may not agree with it. But I am appalled that we all are concerned today and believe that if we... you've got the perfect formula that if we put an African American on the bench that that's fair. We've got Clarence Thomas on the bench. How fair is that? I love him and I don't knock him. I think that we ought... I'm proud that he's an African American serving on that bench. But all of you with your liberal ideas want to know what's going on. We've got... there was a judicial subcircuit in Cook County that is not represented by an African... in fact, we've got legislative districts that were drawn for minorities that are not represented by minorities. Are minorities losing out? I would say Representative Currie is a fine Representative and represents a minority community. I can name others in here, Representative Burke is a fine Representative representing a minority community. And so, the color of the skin or the individual in that position does not necessarily guarantee that minorities are going to be represented. This is a political decision, I don't necessarily like it. And when I served in the minority here for a short period... no, not minority here for a short period of time. I've been a minority all my life. And every decision that's made here sometimes I wonder who is representing me. Not necessarily this side of the aisle or that side of the aisle, but I appreciate your discussion.

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And I think there's probably some merit coming from everybody here. But you're all wrong. This is not the answer and I'll tell you this. What... what this does... what this map does is it creates a community of interest, you heard that terminology. I have a... I have an Asian constituency now. My district went from 85 percent African American to about 60 percent. I have an Asian constituency, probably about 10 percent. The way this state is drafted there will never be... I won't say never because that's a bad term. There's a likelihood that there will not be an Asian elected. But let me tell ya that 10 percent, that community of interest has a lot to do with how I represent them here in the Legislature. And by doing... creating these subcircuits you create the possibility of a community of interest that can, in fact, make a difference. And it's for that reason that I rise in support of this Bill."

Speaker Madigan: "Mr. Churchill for 5 minutes."

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

Speaker Madigan: "The Sponsor yields."

Churchill: "Representative Currie, I note that Bill now adds a... an additional resident judge for the 9th circuit, that would be Fulton County. Where... where did that come from?"

Currie: "Because the... under the census figures, that circuit will be scheduled to lose an associate judge automatically. And we know that that circuit is overburdened and we thought it was important to restore a sitting opportunity to the bench in that circuit."

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Churchill: "Were there any other counties that grew likewise that you did not give an additional judge to?"

Currie: "This is the only one I'm aware of. There may be others. But if there are, I didn't know about it."

Churchill: "Is this a full circuit judge or an associate judge?"

Currie: "Sorry, I can't hear you. Say again."

Churchill: "Is this a full circuit judge or an associate judge?"

Currie: "This would be a resident judgeship."

Churchill: "All right. All right, well, I'd I like to ask you a question about the map for Lake County. Do you have that map with you?"

Currie: "Yes, I do."

Churchill: "I noticed in Districts 1 and 2 that you have a split between the black population and the Hispanic population. And I was wondering if you could explain why the line went east/west the way it does to create that split?"

Currie: "Say again your question. We did... we did try again without packing minority members into districts. We did try to follow the traditional standards in redistricting compactness, population equity, the grouping of... of people within political boundaries..."

Churchill: "The line..."

Currie: "...and in effort not to dilute..."

Churchill: "But the line... the line..."

Currie: "...African American..."

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Churchill: "...that you've drawn... the line you've drawn between Districts 1 and 2 is not conform with any geopolitical boundary, any city boundary. It's just a random line that's drawn, but it's drawn east/west. And it does have... drawing that line east/west has a... has a great significance for that district."

Currie: "Well, if... you look at our map I think you will see that we have met the compactness standard as well as the population equity standard. To have drawn this in a significantly different way, I think would have risked compactness, would have risked population equity and may well have been subject to the criticism that there was an effort to pack minority members into districts so that they would not be able to have, in the long run, the kind of influence that the former speaker said was so very important when we come to elections."

Churchill: "See, there's where I would disagree with you, because, as you know, I was a Member of the 1990 redistricting commission and I know a little bit about drawing maps, particularly in this community. And what you've done by drawing the... the line east/west is you have split the black and Hispanic districts so that you create in each one of those districts a minority group that is not significant enough to capture an election. Now, if you would have drawn the line differently, which you could have done, and kept the same compactness statistics, the same equality in terms of population, you could have created a district where the Hispanic population was almost 52

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percent, not the 60 or 65 where we talked a minority/majority district, but a 52 percent district where they could control an election and you would have created a black district that would have been 35 percent where they would have an ability to create a judiciary that would... would be... encompassed to blacks from that district by controlling the population. So, you have intentionally in your map split the districts 1 and 2 in a way which dilutes the minority representation rather than increases the minority representation."

Currie: "Well, I would just respond, again, we did not want to be accused of packing. And the testimony that we heard at the district hearings in that area, as well as I believe in the Springfield hearings, was that this was the kind of configuration that the people in the community thought best gave them an opportunity to influence outcomes and to share interests."

Churchill: "I... I doubt sincerely that anybody saw the map that you have before us today. I doubt sincerely that anybody would have testified in favor of this map from those communities because everybody up there understands and knows that this map could have been drawn differently to accomplish different ends. You still could have had the same number of Democrats elected, that would not have been the question. The question would be what you did in terms of immobilizing the minority populations. Folks, what's happened here is that you've taken the numbers of people in each of these two districts and you've drawn it in such a

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way that you take it below a critical mass that is necessary to control the election for a minor... minority. This map deserves a lot more work. Every newspaper throughout our state has come back in its editorials and talked about this rush to judgment on this Bill. You want to be for judiciary subcircuits, we voted on this a couple years ago and yet we're still now working on maps. There's time to do a map. Let's take the time. Let's do the map right. I'll work with you. I was proud to work with Representative Younge and Representative Turner. And you may remember when we did judicial subcircuits for Cook County that the Democratic Party did not want judicial subcircuits for Cook County. It was the Republicans that worked with the minorities on the Democratic side that finally created enough pressure that that Bill got passed. So, let's not forget our history on that, because without the Republicans working with the minority Members, particularly under the leadership of then Representative Younge, that would have never of gone through. And what I say to you this day is it took time to do that map. It could take a little more time to do this map. Let's stop, let's defeat this Bill today. Let's come back in the next Legislative Session, have appropriate hearings with the maps. Let's create a map that does the right thing for all of the people and not just rush to judgment on this last day of our Legislative Session."

Speaker Madigan: "Mr. McGuire for 5 minutes."

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McGuire: "Thank you, Mr. Speaker. What we have today is a little bit of history, a little bit of ceremony. It's the last day of the General Assembly. We had an historic Bill by Representative McKeon. And I think we're talking about an historic Bill here today. I certainly support House Bill 949. And we have had some meetings on the... on the subject. In fact, some of the meetings I attended were a little less than well attended. But, I think the subject matter has been discussed. And I represent Will County so I want to speak primarily about the Will County, or the 12th judicial circuit. During the hearing we had a discussion about how to draw boundaries in the more populated areas of Will County, where there are certain communities of interest. And as you know, Will County is one of the fastest growing counties in this United States, not only in the State of Illinois. So, there are plenty of communities of interest in Will County. A map has been drawn to have greater say in electing judges than under the current countywide plan. We have people in Will County, just like the State of Illinois, that are upstate and downstate. You'd be surprised at the difference of people in one part of Will County and the people in other part of Will County, they're very similar to the people in, as I say, in upstate and downstate. There's a lot of variety, there's a lot of community... community of interest in Will County. And what we're trying to do, we're trying to give people opportunity to be elected to the bench. That's the bottom line. We have in this map a district anchored by

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Plainfield. We have another district anchored by Romeoville, Bolingbrook, Lockport and Crest Hill. Another map is made up of Joliet and Shorewood. And then there's a more rural district that includes two areas of community interest. So, I've mentioned Will County is large, Will County is varied, Will County is growing. We think that we have a map here that gives people the opportunity to not only run for a judgeship, but to be elected to a judgeship, people of different community of interest. It does not have to be racial, but we certainly hope so. It can be people from the far eastern end of the county who, as those who live in Will County know, are much different than the people in the Joliet area of Will County. What I'm trying to tell you is that we have a variety of interests in Will County. And I think this Bill goes a long way towards solving that interest and giving people an opportunity to serve on the bench. It does not elect... it does not guarantee an election. But we think it guarantees the chance. And I think what we're talking about here is, as we have in this earlier Bill of Larry McKeon's, fairness, diversity, equality and opportunity. And that's what this map is all about. Mr. Speaker, could I... could I cede my time... remaining time to Representative Art Turner?"

Speaker Madigan: "Representative Monique Davis for 5 minutes."

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

Speaker Madigan: "The Sponsor yields."

Davis, M.: "Representative, a short while ago one of the Legislators from the other side of the aisle stated that



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this legislation would prevent or dilute the opportunity of African Americans for being judges. What did he mean exactly?"

Currie: "I would say that this map, the maps that we are proposing, will expand opportunities for members of minority groups to influence electoral outcomes in these judicial subcircuits. In fact, among the groundswell of voices we heard on the question of subcircuits, many came from members of minority groups who felt that the current system, even though because of resident judges there is a kind of subcircuit approach, but many felt that their voices are not taken into account in the judicial wilderness. So, part of the effort here was to make sure that communities of interest, including minority communities of interest, will have a greater opportunity to affect outcomes."

Davis, M.: "Thank you, Representative. To the Bill. I rise in support of this legislation for many reasons. One of the most is that the judicial system being a part of government, should be a system of equity and fairness. It disturbs me when I read in the paper that a teenager has murdered her baby and she gets 2 years probation. Another teenager commits the very same crime and gets 5 or 10 years in prison. That's an unequal justice system. I'm frequently reminded of the statement made by Judge Mathis who states that if it had not been for a judge giving him a second chance, his ability to be a contributor to our society would have been totally halted. As a youth, he

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committed a crime. But the judicial system that he went through gave him an opportunity to make amends and continue on a life in which his mother would be proud. I'm also reminded of Justice R. Eugene Pincham who's started the Probation Challen... Challenge Program, which meant first-time offenders did not or need not always be incarcerated, but sometimes given an opportunity for education, vocational training and counseling. I believe that by bringing greater fairness and equity to the judicial system, society is much better served. When you look at a judicial system and you see the majority of prisoners are African American, the concern becomes is justice being meted out equally or is there a, what should we call it, is there a mark on the justice system that says it really isn't equitable or fair? Could it be because enough minorities, women, Latinos and African Americans don't sit in the back room and let the judge know that many Africans Americans, in fact, most of them seek the same things for their families that each of us seek for our own. If a youth commits a crime there should be equity and fairness in the sentencing. The sentencing should not be unequal based on color. And I truly believe that this is one step in hopefully bringing greater equity and fairness to the judicial system across the State of Illinois. If the Democratic Party chooses to take me for granted, as long as they believe in pay equity, equal employment rights, human rights, an education system that's fair, then let them

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continue to take me for granted because that's the side of the aisle I chose to sit on. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Leitch for 5 minutes."

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

Speaker Madigan: "Sponsor yields."

Leitch: "Given your passion for judicial fairness and civil rights, I'm curious, will you join me in sponsoring a Bill that would accomplish a Constitutional Amendment that would change the three at-large Supreme Court justice votes in Cook County?"

Currie: "I would join you in sponsoring a measure that would change the way we select judges in Illinois to a merit, rather than an elective approach."

Leitch: "But not..."

Currie: "I think that would be a very good reform proposal. And if you're up for it, Representative, I'll certainly join on with you."

Leitch: "What... what about the first one? Why... why are we continuing in this day and age when the U.S. Supreme Court long since threw out one... and made the law of the land one person one vote, why do we continue to tolerate the three Supreme Court justices being elected at-large..."

Currie: "That..."

Leitch: "...from Cook County? Don't you agree that that is the most egregious disenfranchisement of citizens in our state?"

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Currie: "In no way does that conflict with the one-person-one vote ruling by the United States Supreme Court and I do not find it offensive."

Leitch: "Well, I imagine you don't. And I guess I'm not surprised. If you want to talk about disenfranch... the disenfranchment... the disenfranchisement of people that's occurring in our state is in Cook County and it's the disenfri... franchisement of so many who are not members of the Democratic Party. It is an absolute outrage that in this day and age so many of our citizens could be disenfranchised under our very own Constitution. And how ironic it is that it is the judiciary that is the poster child, if you will, of disenfranchising Illinois citizens. So, Mr. Speaker, one day I hope that we do pursue real reform in Illinois and make the election process to our most important court, the Illinois Supreme Court, something we can all be proud of. Thank you."

Speaker Madigan: "Mr. Lang for 5 minutes."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Concurrence Motion. First, let me say that I've heard a lot of hysteria from the other side of the aisle about the issue of what we're doing here at the last minute. This from the party who, 8 years ago almost to the exact date, took straight party voting away from the citizens of the State of Illinois, disenfranchising thousands of senior citizens and others. This Bill is not about judges and what their opinions are, it's not even about attorneys and what their opinions are. I've heard

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that judges throughout these counties are unhappy with this, I could care less what those judges think. This is the Body that sets policy for where we should have judicial subcircuits, if we should have judicial subcircuits. Judges really are not in the best position to determine that. They may have their own personal interests at heart when they come and tell us what they think about judicial sub circuits. Likewise, attorneys are really not in the best position. They don't make policy for the State of Illinois, we do. This Bill is simply about a fair representation on the bench. The Bill, as created, and the maps, as created, take constitutional principles and put them together, principles of compactness, contiguousness, and communities of interest. Now, these communities of interest and these other issues don't necessarily guarantee Hispanic and African-American representation on the bench. In fact, race is not and should not be the only criteria, but only a criteria for determining whether we're getting fair representation on the bench. And I note that the map that has been created that we're trying to vote on here is a map that follows all of the constitutional principles. But I noticed that a map that had been prepared for the other side that was presented to us that goes through Kane County starts down in Kendall County at Oswego and goes all the way up to Barrington Hills. This is a map that's 35 miles in length and only 2 miles in width. A map that's 35 miles in length and only 2 miles in width cannot possibly, cannot possibly withstand constitutional scrutiny. In

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fact, that map, based on the formulas that have been developed, has less of a chance of being constitutional than any map we have ever seen here. And the other side that was complaining about the Currie map, which became the map that we're all running under in this General Assembly, that had a rating of .09. This map has a rating of .07, even less contiguous, less compact, less constitutional, if you will. And so, the most important reasons that we need to do this is to create fair representation on the bench. Not to guarantee any racial group beyond the bench, but to at least guarantee that all communities of interest have an opportunity to thoroughly advance their community and the opportunity to be on the bench to get fair representation, fair decisions, and to have the judiciary reflect what society looks like in the State of Illinois. Today, in the counties that we attempt to dis... make subcircuits, we do not have fair representation on the bench. We do not have communities of interest properly represented, and we do not have a fair opportunity for all communities of interest to have an opportunity to get someone from that community on the bench, of any race, of any community, of any type. And so, this is not simply about making sure we have Hispanic judges or making sure we have African-American judges. It's about creating constitutional ways to ensure diversity on the bench, to ensure that everyone in every community in Illinois has a fair opportunity to have their views on the bench reflected. This is what it's about. The maps the other side has shown us are not constitutional, in my

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opinion. These maps are, these maps reflect the best of Illinois, these maps deserve approval by this General Assembly. I would recommend 'aye' votes."

Speaker Madigan: "The last speaker will be Mr. Franks for 5 minutes. This is the last speaker."

Franks: "Thank you, Mr. Speaker. I want to comment on the previous speaker. I... I tend to disagree with the getting rid of the straight party voting. If I... if it wa... if you guys didn't get rid of that I wouldn't be here. But, I'll get onto this Bill now. We're in one of the fastest growing counties in the State of Illinois in McHenry County. And last year we passed Senate Bill 75 and Senate Bill 2287, which we provided to create a new circuit. And we split off from Lake County and now we have a new circuit starting in December of 2006, we'll be the 22nd District. And what this Bill does is it provides for a fourth sub-circuit as well as an additional resident judge in McHenry County. And what the additional subcircuit will do is to bring judicial candidates even closer to the electorate so that voters will have an even greater opportunity to learn about the persons who aspire to make their judicial decisions. Before, when McHenry County and Lake County were put together, the size of the circuit was almost... a little over 900 thousand people. So if you were gonna run for McHenry County and wanted to be a circuit judge, you had... Lake County was basically gonna make your decision and you had to pay for a campaign to 900 thousand people. Now, our circuits... our subcircuits are going to be approximately

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65 thousand people. What this Bill does, folks, is it destroys the 'good ol' boy system', which we need to do. We shouldn't have a few power brokers determining who is gonna be the nominee of that party who's gonna be the judge. Now we can have people who are qualified to run for judge actually put their name forward and be able to run in a smaller area with 65 thousand people and have an opportunity of getting elected. Because before if you had to run with 900 thousand people, if you did not have your party's blessing, you didn't have a chance. This is a real victory for democracy. And you hear about a lot of rhetoric on the other side saying the judges are against it. Well, folks, this does not affect any sitting judge. Not one sitting judge is affected. That is a red herring argument. We had a hearing in McHenry County and almost every judge showed up and they talked about the need for a fourth judge. They wanted us to split the maps along the county board lines, to try to do it... if we had three subcircuits it would be two county board districts per. With the fourth subcircuit added and the extra judge, what we did was one and a half county board districts per judge. This, to me, has nothing to do with Democrats or Republicans. I look at this a little differently. I am the only elected Democrat in my county. I am not looking to get Democrats elected to the judges... for judges. What I am looking to do, and I think all of us are trying to do, is to get the most qualified people to be elected as judges, whether they be a Republican, whether... whether they



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be Democrat, whether they be Hispanic, whether they be African American. We want the best people. And by reducing the size of the circuits and allowing the citizens to make these decisions, we will accomplish this. And we've heard a lot of rhetoric as well about the diversity, and... but the people who complain most about diversity are those who control the judges now. But you don't see any diversity in those areas where they... where they say they want it. So again, that's a red herring. Let the people decide what we should have. And I also know, you hear about these maps, maps are going to change. It's 2005, we're having another census in 5 years. I presume there's going to be follow-up legislation in the next year to be able to reapportion these maps after the census. So, we're gonna have that opportunity. Folks, this is a good Bill for the citizens of the state, forget the partisan politics here. What we're doing is we are empowering people to make their own decisions on things that are so personal to them, where in the past they haven't had a say because the party has controlled it. This is a way to give government back to the people. And that's why I rise in support and ask for your support as well."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 949?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 66 people voting 'yes' and 51

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people voting 'no'. There has been a request for a verification. Mr. Black"

Black: "Mr. Speaker, I'll proceed very briefly with your help."

Speaker Madigan: "On the verification?"

Black: "Yes."

Speaker Madigan: "So Democrats, please go to your seats. Don't be leaving for any reason, Mr. Jefferson. In your seats, Democrats. Staff to the rear of the chamber."

Black: "Mr. Speaker..."

Speaker Madigan: "Mr. Black."

Black: "...since you got all of 'em and they're in... in their seat, I can only see one person who isn't in the chamber and there's no reason to proceed with this. I'll withdraw my request."

Speaker Madigan: "Thank you, Mr. Black. Again, 66 'ayes', 51 'noes'. The House does concur in Senate Amendment #1 to House Bill 949. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Black on your Bill 1000"

Black: "Thank you very much, Mr. Speaker. I would move to concur in House Bill 1000, #1000 on the Calendar, #1 in your heart. This Bill was brought to me by Senator Frank Watson and I'll try and be as brief as possible. 2003 we passed a law that... that I voted for about toughening the standards for pyrotechnics, people who set off indoor displays of fireworks, as the result of a tragic nightclub fire on the East Coast and those people who set off commercial displays that many of you in the Chicago area

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see quite often during the summer on Navy Pier. This Bill, by the way, does not take effect until April of 2005. What happened after the Bill passed, there are two counties in the State of Illinois, and only two, who allow the sale of Class C fireworks. I call these 'backyard fireworks'. Many of you have grown up with 'em. They're... they're bottle rockets. They may be sparklers. They may be one of those little volcano-shaped things that you sit on the driveway and you light and sparks come up and I... I... that's what we called 'em when I was young was a volcano. These are not professional-grade fireworks. The firecracker that you can sell under Class C is called a Ladyfinger. It's a very, very small firecracker. I have seen people light them and hold them in their hand and not suffer injury, not that I would ever advise that you do anything like a reality show, ya know, professional in a closed course, don't try this at home. Let me make one thing very clear. This does not... this Bill does not expand the sale of fireworks anywhere in the State of Illinois. It does not make any fireworks that are currently illegal, legal. All it does is impact two counties: Sangamon and Macon. If your analysis says Vermilion County, which is my home county, that's incorrect. Vermilion County has not allowed the sale of Class C fireworks for 50 years. But when the original Bill was passed, it said that if you were going to set off these pyrotechnics you had to take a four-hour training course and you had to have a \$1 million liability policy. Now, ask yourself this question. If you buy a

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sparkler and one of those things we used to call 'snakes' that you light and it wiggles out, doesn't explode, doesn't do anything, it just kinda wiggles out and wiggles on the sidewalk, fascinates children of all ages, and myself included, are you telling me that that person has to have a four-hour training course? This is not a professional display. It's not a display to where you can charge admission. It isn't what you or I are used to. And that you have to carry a \$1 million liability policy? You should be covered under your homeowner's insurance. That's your responsibility. Now, when this Bill passed, the Fire Marshal at that time, Peter Viña, said to the Senate Sponsor who was a Democrat who questioned this, oh, my goodness. Now, you're right. We didn't mean to do that. We'll take care of it by administrative rule. Well, that fire marshal is gone and the current fire marshal, in that office, has not seen fit to... I shouldn't say that. They're negotiating, but I question whether they're negotiating with these two counties in good faith. All this Bill does is really take it back to square one and say that in March or February we could come back to the bargaining table and excuse people who are lighting off a sparkler in their backyard from having to take a four-hour training course and have a million dollar liability policy. That's all the Bill does. Regardless of what you've been told by well-meaning people, does not expand the sale of fireworks, does not make any fireworks currently illegal, legal and there's only two counties in the state that sell

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Class C fireworks, that's Sangamon, where we are located, and Macon. It's a county option. I don't know why they choose to do that, but they do it. This addresses a problem that impacts people in those two counties. I'll be glad to answer any questions you have."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. To the Bill. I take no pleasure in opposing the Sponsor of this Bill because I respect... because of my respect for him. I know he's also very concerned about safety and protecting children. But based on the overwhelming opposition from all members of the Illinois fire services, I stand in strong opposition to this Bill. I wanna read a letter... parts of a letter from the State Fire Marshal, dated today. I'm not gonna read it all, but I'll read you... read a couple paragraphs. This is from the State Fire Marshal regarding House Bill 1000. 'House Bill 1000 is a step in the wrong direction because it removes from state oversight these individuals that distribute Class C explosives and those individuals that shoot Class C explosives. No training or insurance would be required. For those who have not witnessed a Class C display let me assure you that some salutes shoot of a hundred feet or more in the sky, have the power to punch through a sheet of plywood at close range and can start a fire or injure a child. That is why it is defined as 1.4 explosive by the United States Department of Transportation. This has the potential of affecting the entire state, including your district.' That's from the

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State Fire Marshal. He went on and said, 'The proponents' charge that the Office of State Fire Marshal has been unresponsive to them is not accurate. My staff and I have personally met with the fireworks proponents. The proponents initiated on several occasions both at my office and theirs. In fact, my staff and I traveled to witness displays of Class C displays, some of which we found to be quite potent. After the meeting, my general counsel met with representatives of the fire service and proposed a different licensing scheme for the Class C shooter. The fire service was not overtly opposed to the plan, however, before the office could bring it back, this legislation and any support from the fire services evaporated.' If this legislation is good for Illinois, if this legislation is good for public safety, then, well, to quote a prior speaker on a prior Bill, 'why do we need to rush it through right now in the final hours of this Legislative Session?' If it looks good today, it'll look just as good tomorrow in the new Session when there'll be plenty of time for debate. I don't know if this Bill has nine lives, but I know it has several lives because yesterday it could not even get out of a committee. Here in the House it could not get out of Reg & Reg. There was not a Motion to allow it out. Today it was reassigned to Executive Committee and now it's on the House Floor. If it's a good Bill, it'll look just as good in the 94th General Assembly. Let's not be guilty of advancing something at the last minute. This is one time when we don't have to rely on emotion on a Bill to decide

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what is good public policy. If we just simply look at the fire service, a group of individuals trying to protect us, they're opposed. Today's a time when you can stand up, stand with your local firefighter. If you don't know how to vote on this Bill, ask your fire department, ask your firefighters, ask your fire chief. The Associated Firefighters are opposed to this Bill. The Chicago Firefighters are opposed to this Bill. The Illinois Fire Chiefs Association are opposed to this Bill. The Illinois Fire Safety Alliance is opposed. The Office of the State Fire Marshal is opposed. All... as far as I know, all... everyone in the fire service is opposed. That's based on fact not on emotion. We had another Bill in 2004 that had a huge difference of opinion. It wasn't a fire issue. It was the uniform speed limit for trucks on our interstate. But on that Bill, we heard safety studies on both sides of the issue. On this issue, the fire service is united in their opposition. There are no reports, no studies that show that it would be safer or better if we pass this legislation. If you're in doubt, talk to your fire department. Today we have the opportunity to show your support for the firefighters, the fire departments across the State of Illinois. If in doubt, always err on the side of safety, and the side of safety is to vote 'no' on House Bill... concurrence for House Bill 1000. I would ask your 'no' votes when this comes up. If it's good legislation, if it's a good cause, it can come back in the nex... next

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Session and have an adequate hearing. I urge a 'no' vote.  
Thank you."

Speaker Madigan: "All right. Ladies and Gentlemen, again, we have several people who wish to speak on this Bill. And I would suggest that everyone take not more than 5 minutes. So, Mr. Schmitz for 5 minutes."

Schmitz: "Thank you, Speaker. I'm gonna go directly to the Bill. We've had a busy last 24 hours here, actually 48. Ladies and Gentlemen, we passed this Bill last Session and it was signed into law. And when we voted for this Bill we included Class C fireworks as a... as a type of firework that would have to receive a license to display the firework. And all that really means is this is for a fireworks show. This isn't the kid that goes into Indiana and buys a handful of firecrackers or sparklers, brings 'em back to Illinois. This is for the people that do this for a living, that use these types of fireworks for their shows, for their living. If there's any indication out there that Class C fireworks aren't a real danger or threat to us, we wouldn't have included it in the Bill. But 88 percent of all fireworks injuries come from this type of firework. A couple years ago, out in Rhode Island, a band named Great White was playing in a small bar. On their stage they had a glorified sparkler, and under this type of Bill... or under this type of Act it was called a gerb, g-e-r-b is a type of sparkler they used, which is a Class C firework. They had an individual there running that fireworks show that had no idea how this was gonna react in this type of environment.



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Last count, when I read on the Internet this morning, this was a few years ago, but 97 people lost their lives in that fire in Rhode Island from a Class C firework. If we pass this Bill today, this is stating that we no longer want people that run these shows, they don't need to be trained to do a Class C firework. They can do this show inside a place that has no sprinklers. Ladies and Gentlemen, that's exactly what happened in Rhode Island. We already had the untrained person run the show. They did it in a bar that had no sprinklers and what was the result, 97 people lost their lives. Back in 1999, a barge blew up in Alton. Representative Davis and I were working on this Bill since 1999. This is exactly the type of fireworks that we wanna have included in the Bill. All we're sayin' is if you're gonna have Class C fireworks and you wanna run a show or distribute these, you need to know what you're doing. You need to have liability insurance. You need to have training in order to know how these are gonna react in different type of environment and yes, if you're gonna run the show, you need to run it inside a structure that is sprinklered. That's what we passed. Now, with all due respect to the Sponsor, I chatted with him briefly this morning, I told him I was gonna have to oppose this. My 20 years in the fire service, this spring it's gonna be 21, there is no way that I can go back home or go to sleep tonight knowing that I just made exempt a type of firework that causes 88 percent of all injuries. I can't do it. Ladies and Gentlemen, we can't do this. We can't tell the

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people that run these shows, ah, you don't need the training. It's just a firecracker. Those firecrackers explode. They killed 97 in Rhode Island. They kill every year here in the State of Illinois and our surrounding states. I would respectfully ask that you folks look at this legislation very closely, remember what we did just last Session to get it passed and vote 'no' on this Bill. Thank you, Speaker."

Speaker Madigan: "Representative Hamos for 5 minutes."

Hamos: "Thank you, Mr. Speaker. Once every season, we seem to vote on a Bill, we don't give it due consideration, we don't necessarily listen to each other, we get tired, things get hectic. We go home and all of a sudden back home the media and the public says, 'What could they have been thinking?' This is that Bill of this Legislative Session. What could they have been thinking? We shouldn't even be voting on this Bill today, as one of the last Bills of the Veto Session. But this is a really terrible idea and a dangerous Bill, with all due respect to the Sponsor. I think people have already spoken about the accident rates. People have already suggested that this isn't kids' stuff that we're talking about here. But an additional issue that I don't think has been mentioned yet is that the Consumer Product Safety Commission considers these Class C fireworks explosives. Now, in an era where we're ta... worried about homeland security, we're concerned about who has access to explosives, this is not the time that the Illinois Legislature should be voting to put explosives

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into the hands of untrained people. I also urge us to vote for... to vote against this and I've also encouraged Representative Scully to be ready to give up that trophy for the Century Club. This would be a great time to move that trophy over to that side of the aisle. I encourage a 'no' vote."

Speaker Madigan: "Mr. Boland for 5 minutes."

Boland: "Thank you, Mr. Speaker. To the Bill. I rise in opposition to this Bill. One of the proponents has put forth the idea that this is going to be a... a big increase in tax revenue for the State of Illinois. But if we look at the states that have legalized the sale, they really have not seen the gross sales figures that would reach the level that is being talked about here and they really are not talking about a very realistic figure. But beyond even the... the myth of how much money this would raise for the State of Illinois, probably more importantly is for us to take the recommendation of those who are expert in the field. We have one State Legislator, Representative Schmitz, who actually is an expert in the field and who has spoken very eloquently on this. But let's look at some of the other people in the field of... of fire prevention and who take the risk of their life and limb to fight fires. Some of those who are opposed: the Office, of course, of the State Fire Marshal, the Illinois Fire Safety Alliance, the Illinois Firefighters Association, that's your... your volunteer firefighters, your Illinois Fire Service Association, your Associated Firefighters of Illinois,

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that's your largest union of firefighters, the Chicago Fire Department, Professional Firefighters of Illinois, Illinois Fire Chiefs Association, the Illinois Association of Fire Protection Districts, the Illinois Fire Inspectors Association and the Illinois Fire Service Training Institute. If any of you've ever met and talked with these folks, they really know what they're doing. And if they're against this, there's gotta be some pretty substantial reasons for it. But let's look beyond even their expertise. Let's look at some of those injuries of 2003. Fifty percent of all fireworks injuries were to children under the age of 15, 88 percent of those fireworks-related injuries that are seen in emergency rooms involved Class C fireworks, 63.2 percent of fireworks injuries result in burns. And in 2002, 8,800 people were injured by fireworks and received emergency room treatment, many more go unreported. That may be one reason why another couple of groups that have some stake in this are opposed to it. That's the Illinois College of Emergency Physicians and the Illinois Society for the Prevention of Blindness. And now, let's look at it for us as consumers, as business people. We're looking out to protect our homeowner's insurance and so forth, medical and property insurance claims would rise. Ladies and Gentlemen, there are just so many reasons to be against this Bill. Let's put this thing in the grave that it deserves. Thank you."

Speaker Madigan: "Mr. Miller for 5 minutes."

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Miller: "Thank you, Mr. Speaker. To the Bill. I'll be very brief. Since we passed this Bill, a very tragic situation happened to a good friend of mine, my neighbor, that lives in Calumet City. A Ms. Eleanore Moll, who... whose son is a dentist, was at home in the evening and some kids were playing with some bottle rockets and decided to become creative and put it in her... her mailbox and within seconds the whole entire house had been engulfed in flames. And it's an unfortunate situation, but when I was sitting here last Session, I learned that she had... had passed away due to injuries suffered during that incident. It is just a terrible tragedy that something like this can happen. So to even think about trying to relax rules, whether it's in Cook County, Sangamon, Lake or any county in the State of Illinois, it's just... it's just unconceivable(sic-inconceivable). And so, I would urge all Members, on behalf of a memory of my good friend and my colleague's mother, Eleanore Moll, that we vote 'no' on this piece of legislation."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "The Rules Committee will meet immediately in the Speaker's Conference Room."

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

Molaro: "Thank you... thank you, Mr. Speaker. I have a couple points and then I'm going to ask if the Sponsor will yield if he's able to. I see the 'Reverend Dr.' Black sitting down and very rare are you sitting down on your own Bill."

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Are you okay, Sir? I want to inquire as to your health before I..."

Black: "I... I'm fine. It's just the reflection of the light off my orange tie blinded me temporarily."

Molaro: "I would... Thank you. You know, we're talking and I'm getting confused here because Mr. Schmitz talked about the... these big fire shows and you said earlier it's just the old firecrackers and bottle rockets."

Black: "That's ex..."

Molaro: "I'm looking here and they have Class B fireworks. And Class B, which no one can buy starts talking about aerial shells, salutes, all these things that a professional would use. When I look at Class B it talks about common fireworks, firecrackers, bottle rockets. Now, is it not in the law in Illinois, like in your county, you could outlaw the sale of these?"

Black: "Absolutely. And we did so."

Molaro: "So... so if these two counties wanna outlaw it, that's what we should do."

Black: "There are only two counties in Illinois that allow the sale of Class C fireworks, that's Sangamon and Macon."

Molaro: "Right. So, it isn't whether or not they should be outlawed or not, because all these other speakers..."

Black: "Right."

Molaro: "...if we're worried about the safety, let's pass a Bill that outlaws the sale of Class C fireworks and that would make more sense. But to actually say you can have 'em but you gotta take this course or you gotta spend a million

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dollars, that makes no sense to me. Let me ask you this. To buy a gun in the State of Illinois, right, go show your ID, gotta have a FOID card. You gotta take a four-hour... at least... if it's four hours to buy a firecracker, it's gotta be 30 or 40 hours to buy a gun. How long do you have to go to class before you can buy a gun in the State of Illinois?"

Black: "Zero hours."

Molaro: "No, come on. So, you mean to tell me the Fire Marshal puts four hours to buy a firecracker, but you don't have to go to class to buy a gun?"

Black: "That's correct."

Molaro: "You're kidding, right?"

Black: "No, that's correct."

Molaro: "Okay, now if it's a million dollars bond to buy a firecracker, what is it about 20 million to buy a gun?"

Black: "No, I don't have to show proof of any insurance whatsoever to purchase or own a gun in Illinois."

Molaro: "Right. So, as far as I'm concerned, let's bring a Bill to ban for Class C. Let's not say it's okay to buy 'em, but you gotta go to class. This is silly. Let's pass this Bill. If we think it's... if every other speaker who's against this Bill thinks it's the wrong thing, let's bring a Bill and ban all Class C. Otherwise, if it's legal in those counties, and I'm sure the county board and the city in those counties where it's legal, they love their children just as much as we do. And I'm telling ya right

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now, I have five kids and they were more hurt by sparklers then they were by firecrackers."

Speaker Madigan: "Mr. Mautino for 5 minutes."

Mautino: "The Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Mautino: "Okay. I think in the original Act itself kinda... it mighta had some problems when they put this together, and I think it's kinda proof that something not worth doing is not worth doing well. Can you tell me in this... First of all, we're talking about a sparkler. Now, I've spoken to the attorneys with the fire service and this would be a bottle rocket, a sparkler. Okay. Are we aware that if I stick a sparkler in my son's birthday cake without a permit and a million dollar... this is not in the law we already passed, folks... and a million dollar policy, I have just created or committed a misdemeanor under that law?"

Black: "You're absolutely correct. You framed it perfectly."

Mautino: "And..."

Black: "If you put a sparkler in your child's birthday cake, you haven't had the four hours training and you don't have \$1 million in liability insurance, you are charged with a Class A misdemeanor. Happy birthday."

Mautino: "With a fine of \$5 thousand."

Black: "A very happy birthday."

Mautino: "Folks, this is why people laugh at us, by the way. Okay, the Bill, I understand, had some problems that were supposed to be negotiated so that when I stop at the fireworks tent and purchase a Roman candle, which should be



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set in the ground, but sometimes they hold in their hand, in my backyard on 4th of July, I shoot that off. If I do this a second time, I have committed a Class IV felony, which is punishable up to \$10 thousand. Now, your... your son's sparkler in the birthday cake, under the law that we did pass, is worth \$5 thousand as a criminal penalty. Sometimes you have to look at what we're actually doing. I think this law needs to be negotiated. I don't think it was intended to impact a sparkler, a snake, a fountain. Under the Springfield city definition of Class C fireworks it says, 'common firework, sparkler, bottle rocket.' I understand that. I understand the concerns on the major shows. But we do actually have a problem in this Bill where at Pete's ninth birthday next Saturday in the State of Illinois for putting a sparkler on the cake, I commit a misdemeanor the first time, and that's where the \$5 thousand fine and a Class IV felony. The law was originally flawed. It does need to be corrected. But this... no one's mentioned that 'cause we've talked around the issue about exploding mortars. But we are, in fact, requiring me to purchase a million dollar rider. That's what the law says. That's what the language says. Look at your Bill. A \$1 million rider on your homeowner's policy and four hours of training for a bottle rocket or a sparkler on a cake. And you wonder why people laugh at us. This Bill should be supported if only to force them to go back and do the thing right."

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Speaker Madigan: "The last speaker will be Mr. Smith for 5 minutes."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. I rise in opposition to this Bill as cochair of... House cochair of the... our new Fire Services Caucus. I join with Representative Moffitt, my colleague, in opposing this. With all due respect to the Sponsor, I know he's well meaning and I just think in... in this late hour, given the opposition we've heard from all of the fire service groups in the state, that it might do us well to take this out of the record and to consider it as we move into the 94th General Assembly. The Fire Services Caucus will be looking at a number of issues and we certainly can add this to the agenda. I believe the Sponsor is a Member of that caucus and we'd be happy to give this a full and fair debate and try to come up with an agreed approach to this, which is something that we... we try to do in the Fire Services Caucus. But I would say to him and to others who might be inclined to support this that we oughta look at the folks who are opposed to this, the men and women who protect us in the fire service. And all the associations that represent those various individuals are asking us to not pass this legislation at this time. And so I would encourage you to listen to their advice and, Mr. Speaker, should this Bill receive a majority, I would ask for verification."

Speaker Madigan: "Mr. Black to close."

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I don't know how to respond to some of the remarks I've made. I'll... I'll say one thing. I do not appreciate having a Bill that I sponsor being equated to a major piece of legislation like judicial redistricting. I didn't appreciate that comment from a fellow Republican. I didn't appreciate it one bit. Why is this Bill here? This Bill is here because Senator Watson, who is the... my... a Republican Leader in the Senate, represents Macon County. Macon County found a problem with this Bill. Representative Mautino has explained the problem. If you have a backyard fireworks display and... nobody's been a bigger supporter of the fire service than I have. I've carried most of their pension Bills for some 15 years. Ladies and Gentlemen, as Representative Mautino said so eloquently, it was not the intention of this Bill to make someone get a permit, take a four-hour training course and have a million dollar liability policy to put a sparkler on their child's birthday cake. But that's the way the law is drafted. There is no exception. And in... and in all due respect to the fire marshal and the man who read his letter, the fire marshal's letter is full of more baloney than Oscar Mayer could slice in the next month. We wouldn't be in this position if the fire marshal, Peter Viña who's no longer here, but if the Fire Marshal's Office had negotiated this Bill as they told the Senate Sponsor they would. They were going to correct this mistake. Now they say, oh, oh no, it was no mistake. To my friends on

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the Democrat side of the aisle, one... one talked about tax revenue. I don't know where that's coming from. We don't get any tax revenue from the sale of Class C fireworks, other than sales tax in two counties of the state. This doesn't legalize fireworks. It only impacts two counties, and one of those counties is represented by the Republican Leader of the Senate. That's why this Bill is here. He was asked to correct a problem before this Bill goes into effect. So for all of your overheated rhetoric, this Bill, the underlying Pyrotechnic Registration Act, doesn't even go into effect until April 1, 2005. And the people in Macon and Sangamon County ask, can you get this corrected before the Bill becomes law? There's no way. If you don't want Sangamon County and Macon County to sell Class C fireworks then please, please, don't insult my intelligence by saying I'm gonna put explosives into the hands of children. That kind of overheated rhetoric doesn't belong anywhere, except maybe on some reality show on the FOX Network. That's... that's baloney and you know it. You all have seen Class C fireworks. Caps in a cap gun are Class C fireworks. They're illegal in the State of Illinois because of the fire service. If I buy my grandson a packet of Pop-Its, they're little round things wrapped in paper and if you throw them on a hard surface, like your driveway, they go pop. That's a Class C firework. I question whether the nightclub fire in the... in the East was the result of pure Class C fireworks. Let's not confuse the professional display with backyard novelties. This

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does not expand the sale of fireworks anywhere. It only impacts two counties, Macon and Sangamon. And all it's attempting to do is to get the Fire Marshal's Office to negotiate so that what Representative Mautino said doesn't come to pass when this Bill goes into effect on April 1. Do you really expect a parent to go get a permit, take a four-hour training course and buy a million dollar liability policy because they want to stick two, three, four, five little sparklers in their son or daughter or their grandchildren's birthday cake? Oh, you say, oh, that can't happen. That's the way the law's written. And it only impacts Sangamon and Macon. You can't have sparklers in the other 100 counties. And injuries, I... I hate those injuries as much as you do. But most of those injuries that that Representative talked about are happening because of the illegal use of fireworks. These Class C fireworks are only legal, I'll say it again, in Sangamon and Macon. They are outlawed in every other county. This the General Assembly has said for years, is a local option. I agree with Representative Molaro, if you don't... if you're not happy with Sangamon and Macon County then outlaw the ability to sell Class C fireworks, period. Take the last two counties out of the equation, say they won't be sold anywhere in the State of Illinois. This is not a last minute Bill. It's not designed to trick anybody. What it is designed to do, and carried by the Republican Leader of the Senate and I agreed to carry it for him in the House, is to correct a drafting error in the Bill before the Bill

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becomes law on April 1. That's all it does. No more, no less. I'd appreciate an 'aye' vote."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1000?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 61 'yes' and 56 'no'. And there has been a request for a verification. We will need all Members in their chairs. Mr. Smith. Mr. Smith."

Smith: "Mr. Speaker, it looks like we're all here. It's tempting but I... I think I'll withdraw my request."

Speaker Madigan: "Very good. Thank you, Mr. Smith. On this question, there are 61 'yes', 56 'no'. The House does concur in Senate Amendment #1 to House Bill 1000. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hannig in the Chair."

Speaker Hannig: "Representative Younge, for what reason do you rise? Representative Wyvetter Younge."

Younge: "Yes, Mr. Speaker, and it's a matter of personal privilege. I'd like the House to join me in welcoming employees of the Casino Queen boat who are here for meetings and please welcome Ruth Hill and Torque Young who are here to celebrate the inauguration. Let's welcome them."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk would you read any Committee Reports?"

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Clerk Mahoney: "Committee Reports. 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 January 11, 2005, reported the same back with the following recommendations: 'approved for floor consideration' is a Motion to Concur with Senate Amendments #1 and 2 to House Bill 756."

Speaker Hannig: "On the Supplemental Calendar #1, under the Order of Concurrence, is House Bill 756. And Representative Mendoza is recognized on the Motion to Concur."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur on Senate Amendment #1 and #2. Senate Amendment #2 becomes the Bill and I would ask for a 'yes' vote. And let me explain it a little bit. What it does is... this Bill is the Bill that we debated and passed out of the House last year. The school breakfast Bill that I... I've talked to many of you about. And... we had some changes that we agreed upon last year. The Senate made a couple minor changes. First and foremost, all of the starting dates have been pushed back to accommodate any school to be able to participate with the new dates. They had expired based on the last time we passed this Bill out. And second of all, the appeals process which was very important to many of the Members in this House. If a school, in fact, decides that they cannot meet the mandate of providing free school breakfast to any school that has

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40 percent or more of its enrollment eligible for free and reduced lunch, that school would now be required to provide breakfast under this Bill. The thing is though that if the school can prove that in effect the mandate is unacceptable to them or they cannot provide this breakfast without a sizeable or even a cost to them, then there's an option for that school to participate in an appeals process. They would present their case to an ROE, first and foremost. If the ROE sides with the school, then they do not have to participate in the... free and reduced... well, in the school breakfast program. If, however, a member of the community were to appeal or disagree with the ROE's decision, they have an option to appeal... appeal it higher to the Illinois State Board Superintendent. If the state superintendent then decides on the side of the... of the school, then the school does not have to participate in the school breakfast program. If, however, the state board superintendent decides the other way, then the... they would have to be required to participate in the school breakfast program. It goes the opposite way as well. If the school... either... I should just say to make this simple to understand. Both the r... both the school participating in the program or are subject to participation and members of the community have this appeal process available to them and it's a two-part process. The original Bill that we voted on had this appeal in it. The only thing is that the first appeal was to the ROE and the second appeal was to Members of the Legislature. The Senate has agreed that it... it's probably



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better, and I agree with them as well which is why I asked for concurrence on this, that that appeal process be limited to the ROE and the Illinois State Superintendent rather than Members of the General Assembly. So that's basically the bulk of the changes of this Bill and I would ask for concurrence, please."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

Black: "My apologies, Mr. Speaker. Ladies and Gentlemen of the House, I'll speak as briefly as possible to the Bill. Great respect for the Sponsor and let me make it very clear, I do not oppose this Bill, philosophically. And I think you've done an excellent job of addressing some of the concerns. I was 1 of only 18 people who voted 'no' in its original form. I think the Bill is now back in better form, quite frankly, than when it left the House. But let me tell you why, on behalf of my district, I'm gonna vote 'no'. It's a mandate. And while our federal tax dollars may pay the cost of this mandate, there is something... I... I can't look any school district in the eye and tell 'em it's gonna cover all of your expenses. In small rural school districts like I have, they don't bring their cooks in until midmorning. Now, in order to serve breakfast, they're gonna have to... depending on they're labor contract, they'll have to bring in a cook at 6:15 or 6:30 in the morning. I... I question whether the... our federal tax dollars will pay all of the expenses involved. Secondly, if school districts want to do this, they can. Most school

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districts in my legislative seat serve breakfast. Some have chosen not to for reasons of economy or because bus routes may have to leave in some cases 45 minutes earlier and the parents object to the school bus picking up children at 6:45 in the morning to get them to school in time for 7:30 a.m. breakfast. When all else is said and done... and I used to represent the northern part of Vermilion County, Representative Cultra now has that district. The residents of Rossville just went through a very traumatic and difficult decision that they made at public referendum to deactivate their high school. And the students next year will tuition out to one of two high schools in the immediate vicinity. That was a very traumatic situation for the people in Rossville. I can only imagine what some of the parents went through. Why did they deactivate their high school? Money. They simply did not have the financial resources, in the opinion of the school board, to continue operating a high school with declining enrollment. I know one size never fits all. I think this is a... a good idea. I don't oppose it philosophically. I know it will pass, but because it's a mandate and will put a burden on some small, rural schools, the law of unintended co... unintended consequences always seems to kick in, I must reluctantly vote 'no'."

Speaker Hannig: "The Gentleman from Crawford, Representative Eddy."

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

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

Mendoza: "Yes."

Eddy: "Representative, I want to make sure that a couple of items are made very clear. First of all, the previous speaker mentioned the fact that some school districts may have costs that will not be reimbursed. My understanding of this agreement is specific in that those schools that can show that to a regional superintendent of schools would be exempt from this mandate."

Mendoza: "That's absolutely correct. Yes. Thank you."

Eddy: "And if the regional superintendent of schools takes issue with that they then would be able to appeal it to the state superintendent of schools, the way the Bill is now written, so that they have two opportunities to show that they have a cost that exceeds the amount they'd receive."

Mendoza: "That is correct. Thank you for that clarification. Yes."

Eddy: "So in no... no case would a school district be required to implement a breakfast program where they can show that 100 percent of the cost is... is not being covered by this."

Mendoza: "Yes, the school... and I think that's a very important point, because in the case where a school can legitimately show that they cannot meet this financial obligation.. which let me just remind the Members of this Body, that is almost entirely covered by federal funding. I mean, we received \$42 million the last time out, could be receiving 38 additional... \$38 million more from the Federal Government which we're not taking advantage of today because we're not

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participating at the level that we should be. So, if a school, though, can demonstrate that they do not... it's impossible for them to meet this mandate then they do have this appeal process there in effect for them to protect them. We don't want to put an undue hardship upon anyone. But at the same time, we think most schools will be able to participate in this. We hoped some time ago that we could make this only a volunteer program, but running this as a volunteer program has not been as effective and we don't have as much participation as we would've liked. And at the end of the day, this is an issue of health. And sometimes we do, as Legislators, have to take a policy position that we need to view hunger in schools as a health issue and not a luxury issue. Thank you."

Eddy: "Representative, I... I just want to make sure 'cause I agree with the previous speaker. This is... this could be become a hardship and there will be opportunity for a school... and there will be schools that can show because of their unique circumstances and because of bus routes that..."

Mendoza: "Sure."

Eddy: "...a hundred percent of the cost will not be reimbursed. In those cases those schools can... they'll have an avenue to turn down then and then not become involved in an unfunded mandate. I appreciate that. The other part this is that I think is important, there are \$800 thousand in federal breakfast program moneys that are available through this program that actually have a sensitive time line and that's why we need to get this done as quickly as possible. So,

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to the Bill very quickly. I am as sensitive to unfunded mandates as anyone in this chamber regarding their effect on education. However, this is an opportunity for us to make a statement about how important it is for schools with 40 percent or more free and reduced lunch calculation for them to offer school breakfast if they are indeed getting a hundred percent mandate for that. Because of that and the wiliness of this Sponsor to make those changes to guarantee that schools will not have an unfunded mandate in this case, I stand in support of this Bill."

Speaker Hannig: "The Gentleman from Lee, Representative Mitchell."

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

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

Mitchell, J.: "Representative, can you tell me how many districts are actually out there with a 40 percent poverty level that do not serve a breakfast program at this time?"

Mendoza: "That's a good question and I don't have this number at this exact moment. However, what I do know is that whatever we would do in terms of once this Bill takes effect, we would be basing the number of school districts who would be eligible on the October 31 numbers of the previous year. So, those numbers would change from year to year. It all depends on however many schools as of October 31 of this last year would be eligible."

Mitchell, J.: "So basically, those schools that are eligible that do not have a program are actually losing the federal

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dollars that they would receive if they did provide the program?"

Mendoza: "That's correct. That's a very good point."

Mitchell, J.: "And what you're saying is that if those school districts choose to opt-out they have a two-step process to appeal this Bill to number one, their local regional superintendent of school... well, I'm sorry, the... the regional..."

Mendoza: "Regional. Regional."

Mitchell, J.: "...superintendent of schools, which is for their district, and then to the State Board of Education if, in fact, the regional superintendent rules against them."

Mendoza: "That's correct. Yes, thank you."

Mitchell, J.: "Representative, what happens if the Governor continues with his plan to do away with the Regional Office of Education?"

Mendoza: "That's a good question and we'll have to look at that at that time and revamp this. But for now, we thought that it was very important to include an appeals process for the school who could legitimately show that they can't meet this mandate. That's why we have it there."

Mitchell, J.: "Well, the like... the two previous speakers, I too, am very, very sensitive about mandates. I'm also very concerned about breakfast programs. I realize that... that children, especially young children, learn better if they have a good, nourishing meal first thing in the morning. So, I'm going to rise in support of this Bill simply because the Sponsor's worked so very hard to make sure that

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it... it's as close to volunteer as you can have and still say, hey, we've gotta feed the kids that are hungry. Thank you, Mr. Speaker."

Mendoza: "Thank you."

Speaker Hannig: "The Gentleman from DuPage, Representative Millner."

Millner: "Thank you, Mr. Speaker. This particular Bill will benefit all of us whether you're a Republican or a Democrat and it will benefit all of our constituents. The research is in and the studies conclude that students who eat school breakfast increase their math and reading scores as well as improve the speed and memory... memory and cognitive tests. Additionally, research shows that children who eat breakfast at school closer to class and test-taking time perform better on standardized tests than those who skip breakfast or miss it completely. Without... those kids who don't eat breakfast have a harder time concentrating in class. And the studies show that. Additionally, they are likely to act out at school, create more discipline problems if they don't have breakfast. Also, they have the pangs of hunger and they're not concentrating on their studies and sometimes will eat other foods that... we they get a chance the... the unhealthy snacking which leads to obesity. This action today, if we vote 'yes', will have a positive impact in the lives of all of our children, and because of that I urge an 'aye' vote. Thank you."

Speaker Hannig: "The Lady from Will, Representative Kosel."

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

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

Kosel: "I would like to compliment the Sponsor on her work on this Bill. When it was first presented in the Education Committee, it had some serious problems. And she did an excellent job of working through those problems and making this into a good program that's workable for the state. And I stand to commend you on it..."

Mendoza: "Thank you."

Kosel: "...and will be supporting the legislation."

Mendoza: "Thank you."

Speaker Hannig: "The Lady from Cook, Representative Mendoza, to close."

Mendoza: "Just wanna thank all of the Members for having worked with me so closely on this Bill and for having listened so attentively when I tried explaining it and would just ask for an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 756?' 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 105 voting 'yes' and 10 voting 'no'. And the House does concur on Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, under the Order of Resolutions, is House Resolution 1044. Representative Flider."



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Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. HR 1044 was introduced last Sess... or earlier this year back in June and the purpose of it was to try and insure that when the State Board of Education conducts its 5-year plan that it takes into account the special situation involving small town schools. And last year we had significant education reform in Illinois and the 5-year plan was adopted. And... and so what this will do is for school districts like Lovington, Illinois which are struggling with stable or declining enrollment, where property taxes are high, where even if they wanted to consolidate there's not many schools who would want to consolidate with them, we have to take a look at these kinds of districts as a state and say, why are they special, why are they unique and what can we do to make sure that those schools can continue to remain in existence? And for that reason, what I'm asking for through this Resolution, I hope you will agree, especially if you have a small town dis... school district, is that when you look at the schools in this communities, like Lovington, like Findlay, Illinois and Bethany and Sullivan and so on, oftentimes these schools are the economic engines of these communities. They represent the economic vitality. They represent the highest employer in that area. And if these schools were to no longer be in existence, that actually could adversely impact those communities. So what we're trying to do is look to the future and say how can we help maintain the economy of

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these communities and let's look at it from a strategic planning standpoint. I'd certainly appreciate your... your consideration and and I hope you'll vote 'yes'. Thank you."

Speaker Hannig: "The Gentleman has moved for the adoption of House Resolution 1044. Is there any discussion? The Lady from Will, Representative Kosel."

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

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

Kosel: "We... we passed some comprehensive legislation on education last year and one of those includes a comprehensive 5-year plan that the State Board of Education will now do. When we negotiated that Bill we were very, very careful that that plan included rural districts. In what way did the legislation that already passed did not address the needs that you feel you need to address in this Resolution?"

Flider: "I feel this legislation... and oftentimes we don't have a real good way of measuring the economic benefit of a school. We don't talk about the economic benefit of a school district to a community. Oftentimes, if... and... and you can see this and one of the grave concerns that many communities have is that if a school... a school location or a school district closes a school, that has a adverse impact on that community. So, in many ways, just as a prison has been looked at from an economic development standpoint, schools, too, have a very important impact on our communities. And I'm not suggesting that we

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necessarily would use this in a way to... to keep a school open in an uneconomic situation. But I do think that the people in these communities need to have an opportunity to have a voice and say, here's a reason why these schools should remain funded, we maybe have a period of time where enrollment may decline but we expect enrollment to increase again. And it's good for our economy. It's good for these communities. And it's good for the infrastructure because people are working there and paying taxes and so on. I... just think that we need to be able to analyze this and study it and I don't think the 5-year plan necessarily took that viewpoint into account."

Kosel: "Did you ever consider lobbying the State Board of Education to include some of those things in the existing 5-year plan rather than duplicate the 5-year plan that already has been signed into law?"

Flider: "I think all we're saying, Representative, is that we would appreciate the opportunity to insure that when the 5-year plans are being looked at that the economic vitality of these communities are considered. That's all we're saying."

Kosel: "I guess what my concern is is the duplication of effort here on the part of the State Board of Education, whose staff we have cut, who... who we have tried to squeeze every possibly nickel out of. And... and what appears to me in this Resolution is a Resolution to actually have another 5-year plan that would run on parallel tracks with the existing 5-year plan. And I don't know if that is the most

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efficient way. If you feel that... that, and I do agree with you, that the economic impact to small towns when a school closes is significant. Quite often, even in larger towns a school can be the largest employer and does have an economic impact on it. And I can understand that. But I guess... I guess I'm looking at some efficiencies within the State Government and what... what we need to do. It... it's already... it's already in there. The uniqueness of rural schools is listed in House Bill 10... oh, well, in Senate Bill 3000, the uniqueness of rural schools. So, I believe that this duplicate effort that's gonna rep... going to require parallel plans and extra expense an... and time on... on the part of the state board. And I would suggest that you consider pulling this out of the record and let's see if we can't work to make sure that your questions are answered within the existing comprehensive plan that the state board will be developing now rather than burdening them with extra work. Thank you."

Flider: "Thank you, Representative. And... and I would just say to you that there is no intent here to be duplicative, whatsoever. The Resolution does specifically state that the 5-year plan is the only vehicle. All I'm suggesting is that the economic... the... the schools also be viewed in addition to the value of education in these communities with relation to the economic vitality that these schools provide in those communities, something that we may from time to time overlook."

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

Froehlich: "Yeah, Mr. Speaker, on the last Roll Call I was shown on a printout listed as not voting. I'd like to be recorded as voting 'yes', please."

Speaker Hannig: "Okay. The record will so reflect your intentions. The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you very much. I just have a couple questions for the Sponsor. I don't want to belabor this point but I do want to make sure that we understand that when Senate Bill 3000 was written in the exact text, Senate Bill 3000 as amended, the plan includes quote, 'to study the unique needs of rural school districts.' So the point is, how does your Resolution change the intent and the exact quotation that's already in existing law so that there's not duplication?"

Flider: "The Resolution specifically provides that the economic... for... for a review of the economic aspects of a school, the benefits of... the economic benefits of a school to a community. So for example, let's just say that you're a school district, you're the Lovington School District. And let's just say that you know that those jobs create a certain benefit and value to your community. And you are the mayor of that community. And what you would like to try and do is build your community around those schools. So instead of saying, well, the way to economic vitality in this district is to close school districts and consolidate

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them, maybe the answer to economic development in our community is to attract residents to your community so that you can say, you know what, we have a great school system and if people move to our community we can have even a better school system, rather than looking at the dire consequences of raising taxes and closing that school district. That's what we're trying to accomplish."

Eddy: "Representative, I don't disagree with what you're trying to accomplish but I think... I think that a... an earlier speaker made a very good point. This is word for word for word something that's already included in legislation and seems to be dupli... duplicative. To that extent I support the theory but I'm not sure it's necessary in a separate Resolution. Thank you."

Flider: "My... you know, Representative, it's... it's really interesting because I'm trying to think of the timeline when I introduced this legislation. Because I think it... when I had introduced it, it had... actually the... the reform legislation had not passed both Houses. But I can assure you I sat at my desk and drafted this on my own, based on those thoughts in mind."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, your... your Resolution doesn't carry the force of law, correct?"

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Flider: "That is correct."

Black: "Do you think there's any harm in redundancy on the unique needs of school districts in areas of declining population, declining property tax values in districts that can't seem to keep their young people living in the area? I mean, is there any harm, no matter how redundant we may be in saying, please pay attention to part of the state where many of us think the state hasn't paid enough attention to over the years?"

Flider: "Representative, I... I see absolutely no harm. I can only see benefit in making sure that we look at those unique situations."

Black: "You know, it... thank you very much, Representative. To the Resolution. Sometimes redundancy can help. The more that you can get your message out, the more concern you can express to those who make decisions that have tremendous impact on small rural communities in Illinois. I don't see that we're putting any law in danger and I certainly don't think the Resolution harms anything we have done. In fact, I think it just reinforces what most of you have already agreed to, and that is that some of our rural districts have a completely different set of problems, challenges and opportunities than let's say in Naperville or Aurora, two fast growing communities. I rise in strong support of the Gentleman's Resolution."

Speaker Hannig: "Representative Flider to close."

Flider: "I would like to thank the... Representative Black for your... your comments and your support and understanding of

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this because I know you too have a... have a number of rural schools in your area. And... the... the fact is that whether you look at Mt. Zion, Illinois or Sullivan, Illinois, Lovington, Illinois, any other number of communities, the schools are the economic engine. It's what brings people together. It's what... it's what causes people to have jobs and pay taxes so that there's infrastructure and so that it... it has attracted business. It has attracted people. And so, ya know, I just think it's really important that we look at the unique situation involving these rural schools. Look at these schools as if they were economic engines and maybe take a little bit different approach and say, ya know, sometimes it maybe worth figurin' out a way other than consolidation. Sometimes it's... it's a economic development benefit to our community to make sure that our schools and our communities are prospering so that it does not become ou... a drain on us when these communities are asking us for support through grants that... with money we don't have to provide for infrastructure needs when their communities are no longer prospering like they used to. So, I would urge your support and thank you for your consideration."

Speaker Hannig: "All in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. On the Order of Resolutions is House Resolution 1261. Excuse me, Representative Black, for what reason do you rise?"



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Black: "Mr. Speaker, if I could, to a point of personal privilege."

Speaker Hannig: "Yes, state your point."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise and I apologize in advance for taking your time but I want to go on record expressing my extreme disappointment that the early retirement option Bill, Senate Bill 193, was never released from the House Rules Committee. It passed the Senate on March 19, 2003 by a vote of 55 to 0 and it has stayed in House Rules for over 1 year. My attempt to discharge the committee was defeated because of the... and I... I will say it again Thursday, because of a very unfair rule that requires unanimous consent, you can't discharge anything from committee. The Majority Leader, who I respect greatly, objected so we couldn't... couldn't release Senate Bill 193 from the Rules Committee for discussion. Let me just say, I know there are several important viewpoints on the early retirement option. But my disappointment, I just want to focus on one thing. Yesterday... the absurdity of what we do here, yesterday, we've made it possible for two judges making a hundred and forty thousand plus dollars a year to be able to go to work and draw their pension and become the chief legal counsel to the chief deputy to the Attorney General where they will also get a salary of probably six figures a year. But we turned our back on teachers who had a right to expect that their early retirement option would at least be debated. And I understand there are differences of

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opinions about that but we could have, perhaps, addressed those differences of opinions through Amendments, through discussion, through committee hearings, through witnesses. Teachers are in a position where they have to make a decision, if not already by their labor contract, certainly no later than March 1. And I think what have done to them is a disgrace by not even having the courage to allow their early retirement option Bill to be thoroughly and fully debated in committee and on this House Floor. And the objections that were raised late in the process in public hearings that we had on the Bill and... and... which amazed me because the Bill was still in Rules, some of those objections could have possibly been compromised and... and we could've reached an agreement and teachers would've known how to plan and school districts would've known how to plan. And I don't mean to upset some of you, but I'm going to. When I made my Motion to Discharge I looked across the aisle and I looked on my side of the aisle and I saw dozens of you wearing the big, yellow button 'ERO NOW', handed out by the Illinois Federation of Teachers. You were probably wearing those buttons as you had every right to do and every right to be proud of that button. But when my Motion to Discharge came up and was very quietly defeated by the objection of one person, not one of you on either side of the aisle raised a voice in dissent or objection. So, you go back home and you explain to your teachers that you didn't see fit to debate an early retirement option for them, but you did see fit in some cases to vote to allow

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judges to not only keep their pension but to get possibly a six-figure job with the administration. I think that shows that our priorities are just a bit skewed here. Now, I don't make any apology for the fact that I spent 20 years in education and that my wife is a retired teacher. I know how hard they work and, in many areas of the state, how little money they make. And when we had an opportunity to discuss and debate an issue of great importance to teachers, we just simply turned our back on them and said, of course, you're our number one priority, but we'll discuss your pension later. I think that's a shame. I apologize to the teachers that were left out in the cold. All I can say is I tried, I tried my best and I will try again by filing legislation as soon as we're sworn in on Thursday to once again address the question of early retirement option for teachers in Illinois. It's a matter of inherent fairness and I'm extremely disappointed that we were not allowed an opportunity to debate that important concept."

Speaker Hannig: "The Gentleman from Cook, Speaker Madigan, for what reason do you rise?"

Madigan: "Mr. Speaker, on a point of personal privilege."

Speaker Hannig: "State your point."

Madigan: "We just listened to some discussion about proposed early retirement for school teachers and the Gentleman who was speaking to the issue, of course, exercised proper decorum in not naming names. But I'd like to rise and take full responsibility for the Bill not being considered. I

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did that because the Bill, as proposed and as approved unanimously by the Senate, would have raised the accrued liability of the teacher's pension system by close to \$850 million. Now let me repeat that. The budget office has been advising us for 2 years of the very dire situation that exists relative to funding of state pensions. The accrued liability is a very serious matter. It's not getting better, it's getting worse. It's getting worse to the point where we already know that when we sit down to do our next budget for FY06, that the increase in... in GRF requirements to all of the state pension systems will be \$450 million. That's added on top of the other needs to fill holes because of one-time revenue. So, the funding of the system is a serious problem. The Bill under consideration would increase that liability by about \$850 million. There was a very full committee hearing here in the House, I attended the hearing. There were discussions with those seeking the Bill, seeking to do the change, and there were positions set out for them. The bottom line today is that the current ERO, which is sought to be renewed, permits the situation where local districts, local teachers, local unions do economic deals and send the Bill to the Legislature to the State Government and then we pay for what they do. I don't think that's right. I'm here as a Member of the Legislature. I'm here on behalf of the State Government. I'm not here on behalf of some other government, I'm here on behalf of the State Government. And if there's a situation that exists where economic deals

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are being done where we're not a party to the deal but we get the bill, I don't think that's right. I think we ought to do something about it and we ought to work to change it. Thank you."

Speaker Hannig: "On Supplemental Calendar #1, under the Order of Resolutions, is House Resolution 1261. Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. This Resolution is the... oh, it's awfully quiet in here. The... this Resolution is the result of some work by a bipartisan group of Legislators and seeks three things. The first is it urges Congress to fully fund the CREATE Program in the transportation reauthorization Bill. It is funding of approximately of \$1.5 billion is for freight and passenger rail infrastructure improvements in Chicago and northeast Illinois. The need for this is clear. Metropolis 2020 recently issued a report detailing the critical rail infrastructure needs in order to maintain Chicago area status as one of the most important transportation hubs in the nation. The CREATE Program would be a major first step forward in making sure that these infrastructure needs are met. The second thing this Resolution asks for is for funding from the Federal Government to complete the infrastructure work necessary for the high-speed rail line running between Chicago, Springfield and St. Louis. Finally, this Resolution calls on the Governor to include funding in the fiscal year 2006 budget to increase service on that rail line from Chicago, Springfield to... to St.

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Louis for... to increase the number of daily trips from three to five. All of these infrastructure needs are critical to keep our state as a transportation leader and support sig... the significant activity that comes from this sector in our economy. And I ask for your support."

Speaker Hannig: "The Lady moves for the adoption of House Resolution 1261. Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And House Resolution 1261 is adopted."

Speaker Madigan: "Speaker Madigan in the Chair. Mr. Clerk."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 1308, offered by Representative Cross. House Resolution 1309, offered by Representative Cross. House Resolution 1311, offered by Representative Cross. House Resolution 1313, offered by Representative William Davis. House Resolution 1314, offered by Representative Sacia. House Resolution 1315, offered by Representative Sacia. And House Resolution 1316, offered by Representative Poe."

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

Colvin: "Thank you, Mr. Speaker. I rise for a quick announcement. The Illinois House Black Caucus will meet in Room 122-B immediately following Session... the adjournment of Session today. The Illinois House Black Caucus will meet in Room 122-B. Thank you."

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Speaker Madigan: "Ladies and Gentlemen, I'm very pleased to tell you that we are within three matters of adjournment, which means that we will have accomplished an early adjournment. The three remaining items are on page 3 of the Calendar on the Order of Agreed Resolutions, they are congratulatory Resolutions for Members who are retiring from the House. My experience with these in the past is that they can become a little elongated and so from the Chair I'm gonna suggest that we just have one person on behalf of each Resolution. And so, the first Resolution is HR 1308, Representative Bellock. So, one... one speaker, Bellock. It's to say goodbye to Representative Kurtz. You could just reach over and give her your hand and that'll do it."

Bellock: "Thank you very much, Mr. Speaker. I'll keep my comments brief. But I just wanted to say... to applaud Representative Kurtz for her wonderful, outstanding work as a Legislator here in Springfield for the last 4 years. She's been my seatmate and my officemate for 4 years and we just appreciate all the work that she's done. She has been a role model, I think, to all of us in the General Assembly, not just to the women of which she has been very active on women's issues and with the Conference of Women Legislators, but also to her dedication to education and to the children of Illinois. She was a previous teacher and she put a lot of her direction into those women's issues and to the education issues. And then she went onto her career in public service and serves as a role model to all

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of us that at any age you can become active in government and sticking to the issues that you feel are important. She is a quiet voice but a strong voice, and if you watch her voting record, there were several times where she was the lone vote on an issue when she felt really strongly about that issue. So, I just want to ask all of you here today to rise and give a hand to Rosemary Kurtz for her outstanding years as a State Representative in the House of Representatives."

Speaker Madigan: "The next Resolution is HR 1309 by... on the behalf Frank Aguilar, and that'll be done by Representative Roger Eddy. Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. I really appreciate the opportunity for just a few seconds to... to speak about Frank. You know, 2 years ago we were all... the new Members were coming in, really didn't even know where our seats were let alone where the restrooms were, every thing else for vital necessity. And Frank and I got to know each other during the time we spent out at the Cro... Crown Plaza for orientation. And shortly after that, we decided that for the first year that we were here that we could cohabitate. And I really... I appreciate it... I picked... I picked the wrong day to use that phrase, I think. But Frank was a pleasure... Frank was a pleasure to live with. It's getting deeper and deeper, I gotta be careful. I had... I had the opportunity, though, to see someone who cared very much about his constituents, that cared about the issues that were important to the people he served. We



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spoke many times about the... the problems that face those people, whether it regard to employment, regard to rights, the gang issues that he faced, the things that were different in his world than wh... that I saw in my rural world where I came from. And he... he gave me an insight into... into those issues. And I appreciate that and I will not forget that there are differences in this state, that in the city that he lives and the place that he lives things are much different. And that for me, coming from a rural area, taught me right away in the General Assembly to have a broader perspective, to remember that we're in this Body to serve the state, although our constituency is important, but we have to remember that there are different worlds and different problems and different issues. And I learned that from Frank and I thank him for that. I thank him for his enthusiasm and I think he served this Body well. And finally, I'll say, amigo, you said, 'Maybe a comeback.' I hope so. Please join me in applauding Frank's service to this Body."

Speaker Madigan: "Representative Aguilar."

Aguilar: "Let me just... mak... Mr. Speaker. I just want to thank for everybody here for giving me the opportunity... my constituents and you all giving me the opportunity to serve in the House. Plato once said that the highest form of existence is human service, serving the state. And for me, the most perfect servant that existed was a man that walked the earth some 2000 years ago. That's who we call heroes. And when I think about heroes, I remember reading a book by

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Joseph Campbell who describes a hero. And he says, 'A hero, we have not even experienced the adventure alone. We have not... The labyrinth is thoroughly known. And we are only left to follow the thread of the hero path. Where we have thought to find an abomination, we shall find God. Where we have thought to slay each other, we shall slay ourselves. And where we have thought to travel outwards, we shall find ourselves in the center of our own existence. And when we have thought to be alone, someday we will be with all the world.' When my parents talk about heroes, they're people who go above and beyond the call of duty. My father and my mother, when I first won the election couple years ago, they always said, do not fail to recognize the abyss of deception, for seek knowledge and wisdom and embrace it with human compassion, then and only then you will understand the essence of truth. To my fellow colleagues in the Latino Caucus, thank you very much for allowing me to serve with you. I wanna especially thank my favorite güero Latino Caucus Member, Danny Burke, for looking out for me. To my fellow Republican colleagues, we've gone a long way. You supported me in some Latino issues and I wish you to continue, work with us, understand us. We all want to secure a future for our children. We all breathe the same air. We all look forward to a better future. Leader, Speaker Madigan, thank you very much for your support. Leader Cross, thank you for your support and your guidance. To the rest of you, my

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fellow colleagues, thank you very much and may God bless you always."

Speaker Madigan: "Mr. Cross moves that the House adopt HR 1308 and HR 1309. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the Resolutions are adopted. We are now prepared to adjourn and the Chair recognizes Mr. Cross."

Cross: "Mr. Speaker, thank you very much. And I wanna say thank you for your help over the past 2 years. And from a Minority stan... Party standpoint, I think you were cooperative with us and worked with us and I... in what I would call cooperative way. We had tough issues to face over the past 2 years, from ethics to education reform, protecting the road fund, the budget. And I think at the end of the day over the past 2 years we ended up with some pretty good products in all of those areas. And you enabled us to participate... enabled us to participate as a Minority Party in a very fair and balanced way and I appreciate that. I'm hopeful that that will continue in next year's General Assembly, and I suspect it will. We had a relatively good partnership and I think the term was 'coalition'. So it... it worked out okay, I appreciate that. I would also like to say that we could not have done any of what we did without the help of all the staffs. Not only our staff, they did an absolutely fabulous job. I don't know how they do it. Your staff was a pleasure to work with, as was the Senate side as well and the Governor's staff. So we... we appreciated that. I also want to say to

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Rosemary Kurtz, best wishes. You were a great Representative, Rosemary, I enjoyed working with you. And Representative Aguilar, Frank, likewise, I enjoyed working with you. We're gonna miss you both. And if you so choose and make an attempt, Frank, we... we hope and will welcome you back clearly, or obviously on our side. So, again, Mr. Speaker, thanks for all you've done to enabled us to be part of this process. And we're... we're anxious to see you tomorrow. Thank you."

Speaker Madigan: "For those of you who are returning, the chambers will open at 11 a.m. tomorrow and the gallery will open at 11 a.m. In all of our correspondence, we have emphasized the security that will be in place at the entrance to the building. And so in terms of your family and friends that are coming to the Capitol for tomorrow's ceremony, please be sure that they understand that they're going to need some form of identification to gain entrance in the building. And again, the chambers and the gallery will open at 11 a.m. I would like to thank most profusely every Member of the House, in particular, the Democratic Members of the House and the Members of the House Democratic Leadership. I want to thank the members of my staff, Tim Mapes, Rob Uhe, John Lowder, Mike Thompson for the great, great work that we all did over the last 2 years. Last year was a very trying experience, but in retrospect why much has been accomplished because of the arduous overtime Session. In terms of establishing the integrity of the Legislature and the House and in terms of

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establishing the parameters of cooperation between the Legislature and the Executive Department pursuant to the constitutional mandate. And so, for all of your patience that you exhibited during that difficult time, for your willingness to understand the need to be here and to work through the difficult issues, I just want to thank everybody. Because collectively we sure made the Illinois House and the Legislature very, very proud. So, thank you very, very much. The Chair recognizes Representative Currie for the sine die Motion."

Currie: "Thank you, Mr. Speaker and Members of the House. A popular Motion, I think. I move that this historic and proud Illinois House of Representatives of the 93rd General Assembly stand adjourned, sine die."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned, sine die."